

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**Th8a****RECORD PACKET COPY**

Filed: 07/5/02  
49th day: 08/23/02  
Staff: JB  
Staff report prepared: 07/18/02  
Hearing date: 08/08/02  
Hearing item number: Th8a

**COASTAL DEVELOPMENT PERMIT APPEAL:  
SUBSTANTIAL ISSUE DETERMINATION**

**Application number** .....A-3-SLO-02-050, Monaco SFD

**Applicant**.....Steve and Sue Monaco

**Project location**.....Ogden Drive (West Lodge Hill area), Cambria, San Luis Obispo County (APN 023-122-018).

**Project description** .....Construct a single-family residence and attached garage with a 1,677 sq. ft. footprint and 2,967 sq. ft. of gross structural area, and 387 sq. ft. transfer of development credits.

**Local approval**.....San Luis Obispo County: Coastal Development Permit D010064P.

**File documents**.....San Luis Obispo County Certified Local Coastal Program; Coastal Development Permit D010064P; SLO County Staff Report (5/21/02); North Coast Area Plan; San Luis Obispo County LCP 2001 Periodic Review.

**Staff recommendation** ...No Substantial Issue

**Summary:** The Applicant proposes to construct a two-story residence, approximately 1,677 square feet in size. The subject site is a double, oversized lot of approximately 4,521 square feet located at Ogden Drive, in the West Lodge Hill area in the community of Cambria, San Luis Obispo County. The County approved the project subject to 12 conditions, finding it consistent with the San Luis Obispo County Local Coastal Program. The standard of review is the San Luis Obispo County Local Coastal Program.

The appellant's contentions relate to the availability of adequate public services in the community of Cambria. The appellant, Ken Renshaw, has appealed the final action taken by San Luis Obispo County on the basis that approval of the project is inconsistent with provisions of the San Luis Obispo County Local Coastal program regarding the adequacy of water availability. As required by Public Works Policy 1 of the San Luis Obispo County's *Coastal Plan Policies*, all new development must demonstrate that there is sufficient water supply to serve the development. The Commission has previously recognized the serious water supply situation in Cambria. In this case, there is evidence in the County file of a valid intent-to-serve letter (dated 12/1/01), providing that the project's water requirements will be adequately served. In addition, the Cambria Community Service District has adopted a moratorium on new water connections. On balance, the Commission Staff recommends **No Substantial Issue**.



**California Coastal Commission**  
**August 2002 Meeting in San Luis Obispo**

Staff: JB Approved by: *DSL*

## Staff Report Contents

I. Local Government Action.....	2
II. Summary of Appellant's Contentions.....	2
III. Standard Of Review For Appeals .....	3
IV. Staff Recommendation On Substantial Issue.....	3
V. Recommended Findings and Declarations.....	4
A. Project Description.....	4
1. Project Location .....	4
2. Project Description.....	4
B. Substantial Issue Determination.....	4
1. Public Services.....	4
a. Relevant Local Coastal Program Provisions .....	4
b. County Action .....	5
c. Analysis.....	6
VI. Exhibits	
1. Notice of Final County Action	
2. Project Vicinity Map	
3. Project Site Plan and Elevations	
4. Appellant's Contentions	
5. Cambria CSD "Intent to Serve" Letter	

## I. Local Government Action

San Luis Obispo County's Zoning Administrator approved a coastal development permit for the subject house on Lodge Hill in Cambria on February 15, 2002. Ken Renshaw appealed this action to the Board of Supervisors. The Zoning Administrator action was upheld and the appeal was denied on May 21, 2002, by a vote of 4 to 1. The county also approved a Negative Declaration (of no significant environmental impacts) under the California Environmental Quality Act.

## II. Summary of Appellant's Contentions

The appellant, Ken Renshaw, has appealed the final action taken by San Luis Obispo County on the basis that approval of the project is inconsistent with provisions of the San Luis Obispo County Local Coastal program regarding the adequacy of water availability. The appeal claims that the County granted a land use permit for a new development in Cambria without determining that there is adequate water available to serve the proposed development and that the will-serve letter issued by the CCSD as proof of water availability was erroneously accepted by the County. The complete text of the appellant's contentions can be found in Exhibit E, along with clarifying letters.



### III. Standard Of Review For Appeals

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located in a sensitive coastal resource area (Terrestrial Habitat – Monterey Pine Forest).

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program in order to approve a coastal development permit for the project. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the first public road and the sea, which is not the case with this project.

### IV. Staff Recommendation On Substantial Issue

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeals were filed pursuant to coastal Act Section 30603.

**MOTION:**

*I move that the Commission determine that Appeal No. A-3-SLO-02-050 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.



**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-3-SLO-02-050 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

**V. Recommended Findings and Declarations**

The Commission finds and declares as follows:

**A. Project Description****1. Project Location**

The project is located at Ogden Drive in the community of Cambria, San Luis Obispo County. West Lodge Hill is an extensive residential area located within the Monterey Pine forest terrestrial habitat, south of Highway One (Exhibit 1). The topography of the West Lodge Hill area is varied with numerous ridges and gullies, steep slopes, and nearly flat areas near the marine terrace. The majority of the lots in the area are very small, typically 25 feet by 70 feet, and therefore historic development has been relatively dense. However, it is common for present-day proposals to consolidate two or three lots to create larger sites more appropriate for development.

**2. Project Description**

The project site is an oversized double lot of approximately 4,521 square feet (please see Exhibit 2 for project plans). The proposed residence consists of the garage and living space on two levels, both above the average natural grade. The overall height of the proposed residence is 28 feet, as measured from the average natural grade of the site.

**B. Substantial Issue Determination****1. Public Services****a. Relevant Local Coastal Program Provisions**

As required by Public Works Policy 1, all new development must demonstrate that there is sufficient water supply to serve the development:

***Public Works Policy 1: Availability of Service Capacity***

*New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. 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...*

This policy is implemented by CZLUO 23.04.430:

***CZLUO Section 23.04.430 - Availability of Water Supply and Sewage Disposal Services.*** *A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section . . .*

In addition these urban service policies, water supply for new development in Cambria must be considered in light of LCP priorities for Agriculture and Visitor-serving development.

***Agriculture Policy 7: Water Supplies***

*Water extractions consistent with habitat protection requirements shall give highest priority to preserving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Recreation & Visitor-Serving Facilities Policy 2: Priority for Visitor-Serving Facilities.***

*Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources... [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Finally, The North Coast Area Plan component of the LCP contains a development standard for the Cambria Urban Area that requires:

***Reservation of Service Capacity.*** *To allow for continued growth of visitor-serving facilities, 20% of the water and sewer capacity shall be reserved for visitor-serving and commercial uses.*

**b. County Action**

On May 21, 2002 the San Luis Obispo County Board of Supervisors denied the appeal by Mr. Renshaw and voted 4-1 to approve the Minor Use/Coastal Development Permit D010064P. The County staff report (for 5/21/02) does not make a specific finding with regard to water availability, but rather, states that the CCSD's intent-to-serve letter is the document attesting to the District's capabilities. The County accepted this intent-to-serve letter as evidence of adequate water and sewer service capacity to serve the proposed project.



## c. Analysis

### 1. History/Background

#### 1977 Coastal Development Permit

The Coastal Commission has been concerned with the lack of water to support new development in Cambria since the adoption of the Coastal Act. As early as 1977, in a coastal permit to allow the Cambria Community Services District (CCSD) to begin drawing water from San Simeon Creek, the Commission expressed concern about overdrafting this groundwater basin. In that permit, the Commission limited the urban service areas for this new water supply and identified the maximum number of dwelling units that could be served as 3,800<sup>1</sup>. A condition of that 1977 coastal development permit stated that:

*use of all District wells on Santa Rosa Creek shall be discontinued when water production from San Simeon Creek has been established. Any continued permitted use of the Santa Rosa Creek wells shall be limited to the supplementing of San Simeon Creek well production in years when the 1230 acre feet cannot be safely removed. Except in the emergency situations defined below, the withdrawal of water from Santa Rosa Creek shall not exceed 260 acre feet during the dry season which normally extends from July 1 through November 20 and shall not exceed 147 acre feet per month at any other time. At no time shall the combined withdrawal from San Simeon Creek and Santa Rosa Creek exceed the 1230 acre feet annually. In addition, the following emergency situations shall be permitted: fire or any emergency use authorized by the State Water Resources Control Board or the State Health Department. Until the San Simeon Creek wells are functioning, no new water permits shall be permitted in the District.*

#### LCP Certification

When the Land Use Plan of the County's LCP was certified in 1984, the concern remained that there was inadequate water to serve existing parcels within Cambria. The findings regarding Cambria stated that based on the land uses and intensities designated in the LUP for subdivided and un-subdivided land, 8,150 dwelling units could be developed; however, it was estimated that the community of Cambria had adequate water and sewage capacities to serve 5,200 dwelling units (in 1984). The findings continue to state:

*Buildout of the existing subdivided parcels alone within the USL [Urban Services Line] would result in a number of dwelling units for which there is inadequate sewer and water capacity. Clearly the community does not have adequate services to supply the LUP proposed development within the USL without severely overcommitting its water supplies and sewage treatment facilities.*

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<sup>1</sup> Application 132-18.



In anticipation of growth related resource demands, the County created the Resources Management System, which is intended primarily to indicate when and where service facilities (water supply, sewage disposal, roads, schools, and air quality) must be expanded or extended to meet population growth demands. The RMS is designed to be a growth management tool; however, it is oriented toward finding services to support development and does not factor impacts on natural systems into the search, nor does it propose limits on growth in recognition of the limits of the lands ability to supply water for new development.

The RMS uses three levels of alert (called Levels of Severity, or LOS) to identify potential and progressively more immediate resource deficiencies. The alert levels are meant to provide sufficient time for avoiding or correcting a shortage before a crisis develops. Level I is defined as the time when sufficient lead time exists either to expand the capacity of the resource or to decrease the rate at which the resource is being depleted. Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity. Level III occurs when the demand for the resource equals or exceeds its supply.

The Resource Management System reports have consistently identified water supply as a serious concern in Cambria. In 1990, the RMS report recommended that the Board of Supervisors consider a development moratorium. The RMS outlines specific measures that must be implemented for each LOS if the Board formerly certifies the recommended level. However, the BOS has never certified any LOS for Cambria. Most recently, the RMS recommended a LOS III.

#### **1998 North Coast Area Plan**

More recently, the Commission evaluated available water supply for Cambria in its review of the County's North Coast Area Plan update. After evaluating the availability of water in San Simeon and Santa Rosa Creek, the Commission found that existing development (1997) may be overdrafting these creeks, and adversely affecting wetlands and riparian habitats. Thus, the Commission adopted findings and a suggested modification that would require completion of three performance standards prior to January 1, 2001: completion of an instream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. If these standards were not performed by January 1, 2001, the modification required a moratorium on further withdrawals from San Simeon and Santa Rosa Creeks.

Although the County never accepted the modified amendment and is therefore not subject to the moratorium provision, the severity of the measures proposed reflects the gravity of the community's future if development continues to be permitted at its existing rate. More important, since the 1998 Commission action, the water supply situation has been further constrained by MTBE contamination of Santa Rosa Creek.



### 2001 Periodic Review

The Coastal Act requires that every certified LCP be reviewed periodically to determine whether the LCP is being effectively implemented in conformity with the policies of the Coastal Act. On July 12, 2001 the Commission adopted the *Periodic Review of the San Luis Obispo County LCP*. In this report, the Commission made a number of recommendations related to environmentally-sustainable urban development in Cambria. In terms of specific findings, the Preliminary Report highlights the problems of short and long-term growth in Cambria. The report concludes that Cambria has serious concerns related to limited groundwater supply and the protection of sensitive habitat areas with respect to the sustainability of existing and future development in an area with limited water supplies. The Commission adopted the following recommendation in its July, 2001 Periodic Review action:

*Recommendation 2.13. Continue implementation of the 1% growth rate in Cambria until 1/1/02, after which time coastal development permits for new development that would require a new water connection or that would otherwise create additional water withdrawals from Santa Rosa or San Simeon Creeks should not be approved unless the Board of Supervisors can make findings that (1) water withdrawals are limited to assure protection of instream flows that support sensitive species and habitats; (2) there is adequate water supply reserved for the Coastal Act priority uses of agricultural production, and increased visitors and new visitor-serving development; (3) a water management implementation plan is incorporated into the LCP, including measures for water conservation, reuse of wastewater, alternative water supplies, etc., that will assure adequate water supply for the planned build-out of Cambria or that will guarantee no net increase in water usage through new water connections (e.g. by actual retrofitting or retirement of existing water use); (4) substantial progress has been made by the County and the CCSO on achieving implementation of buildout reduction plan for Cambria; and (5) there is adequate water supply and distribution capacity to provide emergency response for existing development.*

### CCSD Water Moratorium

Most recently, the Cambria Community Service District (CCSD) has taken more programmatic steps towards resolving the unsustainable development trends in Cambria. On October 25, 2001 the CCSD Board of Directors considered whether to pursue the declaration of a water shortage emergency. At that meeting, the Board of Directors determined that sufficient evidence existed to consider the declaration of a water shortage emergency based on an inability to accommodate the anticipated growth of the community in the near future. It should be noted, however, that at this same meeting the Board voted to approve thirty-eight (38) intent-to-serve letters (one of which is the subject of appeal).

On November 15, 2001 the CCSD Board of Directors declared a water emergency. Part of this action included not allowing any additional intent-to-serve letters to be issued (i.e. anything beyond those that were issued during the October 25, 2001 meeting). The following list includes additional actions adopted by the CCSD to accompany the declaration of a water emergency:





- Reactivate the retro-fit program as contained in the CCSD Ordinances 1-98, 2-98, and 2-99;
- Investigate additional opportunities to implement water saving measures through the retro-fit program;
- Enforce Ordinance 4-2000 (water waste provision);
- Identify any additional opportunities to improve Ordinance 4-2000;
- Request that the County of San Luis Obispo adopt restrictions on the installation of landscaping within the Cambria CSD to minimize the impact or irrigation on water supplies;
- Develop a plan to ensure the enforcement of all restrictions and regulations regarding water usage in Cambria;
- Pursue the development of water master plan;
- Evaluate the current rate structure and develop changes and improvements.

Through the declaration of a moratorium on new water connections, the CCSD has taken a critical step in curbing short-term development potential in Cambria. Since October 25, 2001 no new intent-to-serve letters have been issued by the CCSD. The moratorium effectively limits new development in Cambria until the uncertainty with respect to water supplies can be resolved. However, the moratorium does not limit those projects declared "in the pipeline" by the CCSD. "Pipeline projects" are defined as projects that have development applications accepted for processing by the County, and are also accompanied by an intent-to-serve letter from the CCSD.

As mentioned, the CCSD declared a water emergency on November 15, 2001. At the time the moratorium was declared, there were 124 outstanding commitment letters remaining, including 14 with active service meters, 20 with connection permits, 25 grandfathered meters<sup>2</sup>, and 65 previously issued intent-to-serve letters (including the 38 approved commitments of the Oct 25, 2001 CCSD Board Meeting). These outstanding commitments include both residential and commercial development totaling 202.31 "Equivalent Dwelling Units"(EDU's)<sup>3</sup>, or approximately 48.55 acre-feet of water. In 2000, the CCSD supplied a total of 798 acre-feet of water. Based on these figures, the total "pipeline projects" represent an approximate 6.1% increase in total water supplies needed to serve these outstanding commitments.

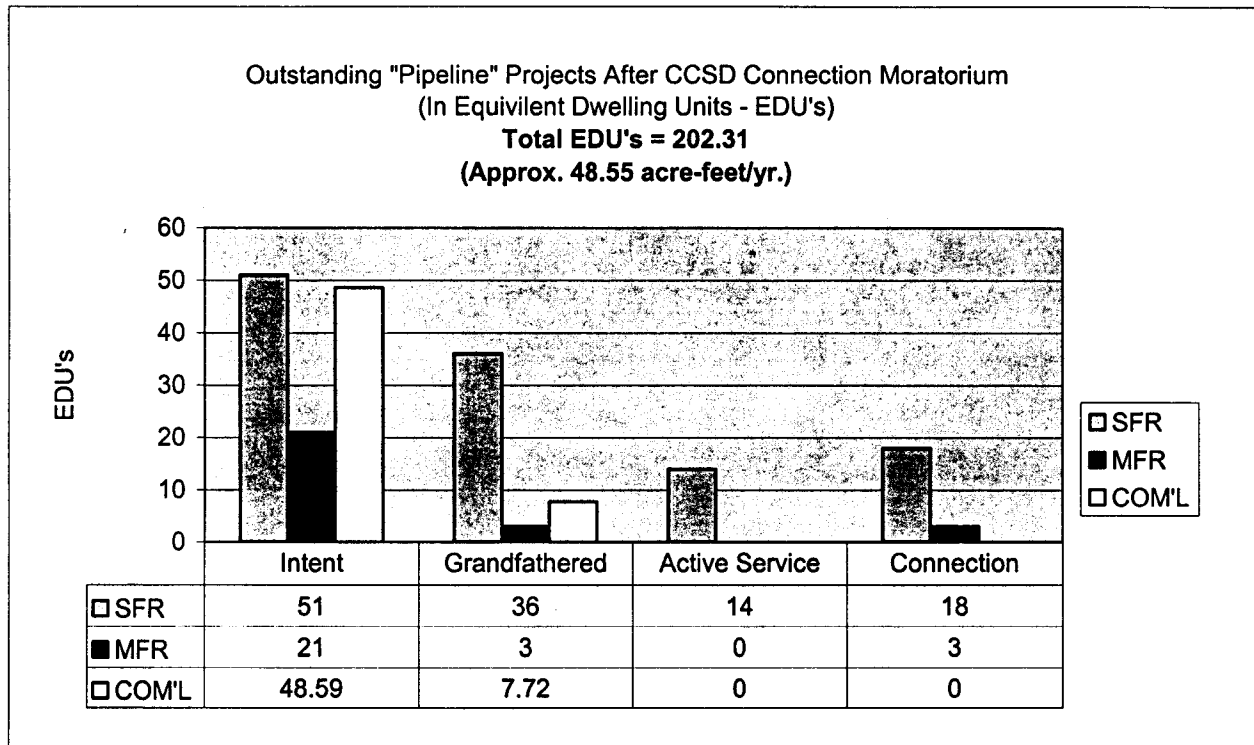
The following graphic represents the outstanding "pipeline project" commitments displayed in equivalent dwelling units (EDU's) following the declaration of a moratorium on new water connections by the CCSD.

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<sup>2</sup> Grandfathered meters are defined as those commitments established prior to the development of the 1991 CCSD waiting list, those meters with an existing service commitment, or those projects with water meters already in place at the time of the moratorium.

<sup>3</sup> In Cambria, an Equivalent Dwelling Unit (EDU's) is equal to approximately 217 gallons (.24 acre feet) per dwelling unit.





The "pipeline projects" list presents a starting point when analyzing individual projects for recommendation to the Commission. It is important to note, however, that being on this list does not ensure approval by the Commission. Each project on the list must be evaluated on its individual merits. All projects included must be analyzed for the amount of water used and for consistency with the complete spectrum of governing LCP policies and ordinances.

## 2. Substantial Issue Analysis

The issue brought forth by the appellant relates to the adequacy of available water supplies to support new development. In terms of this coastal development permit analysis, water supply data presented supports a finding that the standards of the certified LCP to assure sustainable new development are not being met. Specifically, Public Works Policy 1 requires that:

*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 . . . .*

The subject lot is an existing legal parcel. The issue presented here is whether there is adequate water to serve this parcel as well as all of the existing developed parcels in Cambria, as it is clear there is not enough water to serve all of the existing developed and all of the vacant parcels (build-out). The CCSD has, by allocating water service to this project found that adequate water is available for this project



based on information from their engineer. The CCSD also has found that there is not adequate water to serve build-out by imposing a moratorium on future water connections.

In terms of this project, the first issue to consider is timing. The timing of the issuance of the intent-to-serve letter relative to the declaration of the water emergency is an important consideration. As discussed previously, on November 15, 2001 the CCSD Board of Directors declared a water emergency based on the inability to extend service in the future to accommodate planned community growth. Part of this action included not allowing any additional intent-to-serve letters to be issued (i.e. anything beyond those that were issued up until and during the October 25, 2001 meeting). At that time the CCSD engineer presented to the Board of Directors an estimate of the outstanding EDU commitments, and concluded that adequate water supplies existed to support these "pipeline projects." The CCSD Board, with an understanding of the information presented by the engineer, concluded that it was appropriate to grant approval of these remaining 2001 intent-to-serve letters. In this case, the applicant has received a will-serve letter from the CCSD prior to the declaration of the water emergency.

Second, it is important to understand the quantity of water needed to support the proposed use. The applicant proposes to construct a single-family residence, requiring one (1) additional "equivalent dwelling unit" (EDU) of water. In 2000, the CCSD produced a total of 798 acre-feet of water. The community's average water consumption rate in 1997-98 was approximately 217 gallons per dwelling unit per day (0.24 AFY per dwelling unit). Applying this water consumption figure to this project, the amount of water needed to serve this project represents an increase in water demand of 1/3200 acre-feet per year (AFY). At face value, this is a relatively unsubstantial increase. Not allowing this project to move forward would do little towards curbing unsustainable development trends that currently exists in the community of Cambria.

Third, a number of options are available to address the short-term problem of water supply in Cambria. Clearly, the ability to provide adequate water for future development in Cambria is a significant unresolved issue. However, the approach taken by the Commission to address this issue to date has been a programmatic one, focused on addressing the problems and unresolved questions through comprehensive planning and resource management, rather than calling for an immediate halt to all new development.

It should be acknowledged, though, that both the County and the CCSD have taken steps in addressing the short-term water supply issues in Cambria. First and foremost, the CCSD declared a water emergency. The most significant part of this action included not allowing any additional intent to serve letters to be issued. In addition, the County no longer processes development permit applications without a valid intent-to-serve letter. CDP applications are accepted, but are put on "information hold" rather than being moved forward in the development review process.

A number of critical information needs still exist with respect to sustainable development in Cambria. These include completion of an instream flow management study for Santa Rosa and San Simeon Creek; completion of a water management strategy which includes water conservation, reuse of wastewater,



alternative water supply, and potential off stream impoundments; and cooperation of the County and CCSD to place a lot reduction ballot measure before the Cambria electorate. Calling an immediate halt to all new development in Cambria would be the most precautionary approach in terms of protecting coastal resources, but at least in the case of this project, does not appear justified based on the minimal impact it will have on water supplies. Another approach is to continue to move towards addressing unresolved resource concerns through a comprehensive planning process until critical information needs are completed, and plans are developed and implemented to comprehensively address water supply, rather than denying each proposal for the limited number of single-family residences in the "pipeline".

Overall, the Commission recognizes the serious water supply situation in Cambria. Given the uncertainty surrounding sustainable water supplies in Cambria, it is critical that performance standards be completed and a plan of action developed and implemented to address this issue. Both the CCSD and the County have taken recent action to curb new water extractions. One example discussed is the recent moratorium on new development declared by the CCSD. Significantly, from the Commission's standpoint this moratorium generally marks the end of new development for the time being, and is the first step towards meeting Public Works Policy 1 of the LCP. For new development consistent with the LCP and Coastal Act to proceed post-moratorium, significant strides will need to be made by the community of Cambria in addressing the water supply issue. In this case, though, the applicant has received a valid intent-to-serve letter from the CCSD, approved prior to the declaration of a moratorium on new water hookups. On balance, the Commission Staff recommends no substantial issue.





SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL  
ACTION NOTICE

REFERENCE # 3-SLO-02-332

APPEAL PERIOD 6/24 - 7/8/02

VICTOR HOLANDA, AICP  
DIRECTOR

BRYCE TINGLE, AICP  
ASSISTANT DIRECTOR

ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH  
CHIEF BUILDING OFFICIAL

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: May 21, 2002

SUBJECT: DD10064P/Monaco

LOCATED WITHIN COASTAL ZONE: (YES) NO

RECEIVED

JUN 21 2002

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

The above-referenced application was approved on the above-referenced date by the following hearing body:

X San Luis Obispo Board of Supervisors

A copy of the findings and conditions is enclosed. The conditions of approval must be completed as set forth in this document.

This action is appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (408) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your planner, Martha Neder, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

CURRENT DEVELOPMENT

Exhibit 1

Page 1 of 11

A-3-SLO-02-050 Monaco

Notice of Final County Action

(Planning Department Use only)

Date NOFA original to applicant: 6/19/02

Mailed

Hand-delivered

Date NOFA copy mailed to Coastal Commission: 6/19/02

Enclosed:

☒ Staff Report  
☒ Resolution  
☒ Findings and Conditions

e:\WPDOCS\MUP\BDNOFA.WPD

10-11-02  
11-11-02

# IN THE BOARD OF SUPERVISORS

## COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 21, 2002

PRESENT: Supervisors Harry L. Ovitt, K.H. 'Katcho' Achadjian, and Chairperson Shirley Bianchi

ABSENT: Supervisors Peg Pinard, Michael P. Ryan

In the matter of **RESOLUTION NO. 2002-222:**

This is the time set for hearing to consider an appeal by Ken Renshaw of the Hearing Officer's approval of a minor use permit to construct a new single family residence with 1,677 square feet of footprint, 2,967 square feet of gross structural area and 387 square feet transfer of development credits; 2nd District.

**Ms. Martha Neder:** Planning, presents the staff report; outlines the issues raised in the appeal and staff's response to the same; (**SUPERVISOR MICHAEL P. RYAN AND PEG PINARD ARE NOW PRESENT**); staff recommendation is to deny the appeal and uphold the Hearing Officer's approval.

**Ms. Vern Kalshan:** attorney representing Mr. Ken Renshaw, presents two documents for the record and highlights both; outlines their concerns to water availability and the lack of the same; addresses the water deficit they show which equates out to a -8.63 deficit of water or 43 houses.

**Mr. Gregory Sanders:** attorney representing the Monaco's, presents three documents for the record: letter to Supervisor Bianchi from Mr. Renshaw; copy of the Cambria Community Services District (CCSD) agenda from November 15, 2001, Agenda No VIII.A.1, which shows there is an adequate water supply in Cambria; and, the Intent to Provide Water and Sewer and, the language in this letter indicates that the Board of Directors reserves the right to revoke this "Intent to Serve" letter at any time; beyond the evidence he has presented, believes there is also the issue of equity as the Applicant has "played by all the rules."

**Chairperson Bianchi:** questions the second document presented by Mr. Sanders as it relates to basin levels and believes, to date, the basin is the lowest it has ever been.

**Mr. Kalshan:** gives his closing comments.

**Supervisor Pinard:** questions the County's role with respect to the CCSD, as this is an independent district; feels the issue of water should be addressed to the CCSD, with Mr. James Lindholm, County Counsel, responding.

**Chairperson Bianchi:** questions changes in the laws relating to land use and not issuing "paper water", with Mr. James Orton, Deputy County Counsel, responding.

**Chairperson Bianchi:** addresses the current low levels of water in the creek and expresses her concern to approving this and the possibility of the Applicant starting to build and then the CCSD taking away their water.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:**

AYES: Supervisors Ovitt, Ryan, Pinard, Achadjian  
NOES: Supervisor Chairperson Bianchi  
ABSENT: None

the Board denies the appeal and **RESOLUTION NO. 2002-222**, resolution affirming the decision of the

Hearing Officer and conditionally approving the application of Steve and Sue Monaco for Minor Use Permit D010064P, adopted. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

cc: Planning (2)  
5/24/02 vms

STATE OF CALIFORNIA )  
 ) ss.  
County of San Luis Obispo )

I, JULIE L. RODEWALD, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 24<sup>th</sup> day of May, 2002.

JULIE L. RODEWALD

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By *Julie L. Rodewald*

Exhibit 1



**IN THE BOARD OF SUPERVISORS**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Tues day May 21, 2002

**PRESENT: Supervisors** Harry L. Ovitt, Peg Pinard, K.H. "Katcho" Achadjian,  
Michael P. Ryan and Chairperson Shirley Bianchi

**ABSENT:** None

**RESOLUTION NO. 2002-222**

**RESOLUTION AFFIRMING THE DECISION OF HEARING OFFICER AND  
CONDITIONALLY APPROVING THE APPLICATION OF STEVE AND SUE  
MONACO FOR MINOR USE PERMIT D010064P**

The following resolution is now offered and read:

**WHEREAS**, on February 15, 2002, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Steve and Sue Monaco for Minor Use Permit/Coastal Development Permit D010064P; and

**WHEREAS**, Ken Renshaw, has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

**WHEREAS**, a public hearing was duly noticed and conducted by the Board of Supervisors on May 21, 2002, and determination and decision was made on May 21, 2002; and

**WHEREAS**, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

**WHEREAS**, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project **Exhibit 1**  
adequate and as having been prepared in accordance with **Page 5 of 11**  
**A-3-SLO-02-050 Monaco**  
Environmental Quality Act. **Notice of Final County Action**

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Ken Renshaw, is hereby denied and the decision of the Hearing Officer is affirmed and that the application of Steve and Sue Monaco for Minor Use Permit/Coastal Development Permit D010064P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Ovitt, seconded by Supervisor Ryan, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Ryan, Pinard, Achadjian

NOES: Supervisor Chairperson Bianchi

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

SHIRLEY BIANCHI

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD  
Clerk of the Board of Supervisors

By: VICKI M. SHIELEY Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: [Signature]  
Deputy County Counsel

Date: May 6, 2002

STATE OF CALIFORNIA COUNTY OF SAN LUIS OBISPO	} ss
I, JULIE L. RODEWALD, County Clerk of the above entitled County, and the Official Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remain- ing of record in my office.	
Witness my hand and seal of said Board of Super- visors this <u>MAY 28 2002</u>	
JULIE L. RODEWALD County Clerk and Ex-Officio Clerk of the Board of Supervisors	
By: <u>[Signature]</u>	Deputy Clerk

Exhibit 1

Page 6 of 11

A-3-SLO-02-050 Monaco

Notice of Final County Action

**Findings: EXHIBIT A**

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.
- E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Ogden Drive, a local road constructed to a level able to handle any additional traffic associated with the project.
- F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to coastal waters and recreation areas.
- G. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because there are no trees on site.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize site disturbance.
- I. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because site disturbance has been minimized and there are no trees on site.
- J. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned Exhibit 1  
drainage and erosion control standards specified by the County Page 7 of 11

- K. There will be no significant negative impact to the identified sensitive habitat because there are no trees on site.
- L. The project or use will not significantly disrupt the habitat, because it is a single-family residence with minimal site disturbance.
- M. Adequate instruments have been executed to assure that the "sender" lot(s) to be retired under the Transfer of Development Credits (TDC) program will remain in permanent open space and that no development will occur because the applicant will provide verification that the retired lot(s) have been transferred to the Land Conservancy of San Luis Obispo County.
- N. The project site, as a TDC "receiver" site, can accommodate the proposed scale and intensity of development without the need for a variance (Section 23.01.045), exception to height limitations (Section 23.04.124b) or modification to parking standards (Section 23.04.162h), because, as conditioned, the project or use meets Coastal Zone Land Use Ordinance and Land Use Element requirements.
- O. The circumstances of the TDC transfer are consistent with the purpose and intent of the applicable planning area programs and standards regarding transfer of development credits.
- P. There is no possibility of completely avoiding the archaeological resources present on the site, but the project design and development incorporates adequate measures to mitigate the impacts to the archaeological resources and to ensure protection of significant archaeological resources.
- Q. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

Staff report prepared by Martha Neder  
and reviewed by Matt Janssen

**EXHIBIT B**  
**CONDITIONS OF APPROVAL -D010064P**

**AUTHORIZED USE**

1. This approval authorizes the addition to a single family residence with: 1,677 square feet of footprint, 2,967 square feet of gross structural area, and 387 square feet of TDCs.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

**APPROVED DEVELOPMENT**

3. The maximum height of the project is 28 feet.
  - A. Prior to any site disturbance, a licensed surveyor shall establish average natural grade (high and low corners staked) and set a reference (benchmark) point.
  - B. Prior to framing inspection, the applicant shall provide written verification to the building inspector certifying the building height, including the actual and allowable building heights. The certification shall be done by a licensed surveyor.

**GRADING, DRAINAGE, SEDIMENTATION, AND EROSION CONTROL**

4. Prior to issuance of construction permits, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
5. Prior to issuance of construction permits, the applicant shall submit an engineered drainage plan for review and approval by the County Public Works Department

**ARCHAEOLOGY**

6. Prior to application for construction permits, the applicant shall submit "side-by-side" comparisons of disturbance and calculations of volume of cultural materials affected for the review and approval of the Planning Director. The foundation plans shall be revised if necessary to implement the foundation design that results in the least disturbance.

7. Prior to issuance of construction permits, the applicant shall submit for the review and approval of the Environmental Coordinator (and possibly subject to peer review), an Archaeological Mitigation Plan. The Plan shall include a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by Coordinator. The consulting archaeologist responsible for the provided with a copy of the previous archaeological investigation (4/2/01). The Phase III program shall include the following at

Exhibit 1

Page 9 of 11

A-3-SLO-02-050 Monaco

Notice of Final County Action

- a. standard archaeological data recovery practices;
- b. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should typically be between 2-7% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
- c. identification of location of sample sites/test units;
- d. detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. disposition of collected materials;
- f. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. list of personnel involved in sampling and analysis.

In lieu of a portion of the sample, the Plan can recommend a contribution towards the Archaeological Conservancy/Greenspace program for acquisition of the major portion of SLO-177. This would provide off-site mitigation through permanent preservation of a portion of the this archaeological site. If proposed as part of the Plan, the recommended sample size may be reduced by no more than 50%.

8. Prior to issuance of construction permits, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the Phase III program has been completed.
9. Prior to issuance of construction permits, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
  - A. List of personnel involved in the monitoring activities;
  - B. Description of how the monitoring shall occur;
  - C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - D. Description of what resources are expected to be encountered;
  - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - F. Description of procedures for halting work on the site and notification procedures;
  - G. Description of monitoring reporting procedures.

10. During all ground disturbing construction activities, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved American to monitor all earth disturbing activities, per the approved

Exhibit 1

Page 10 of 11

A-3-SLO-02-050 Monaco

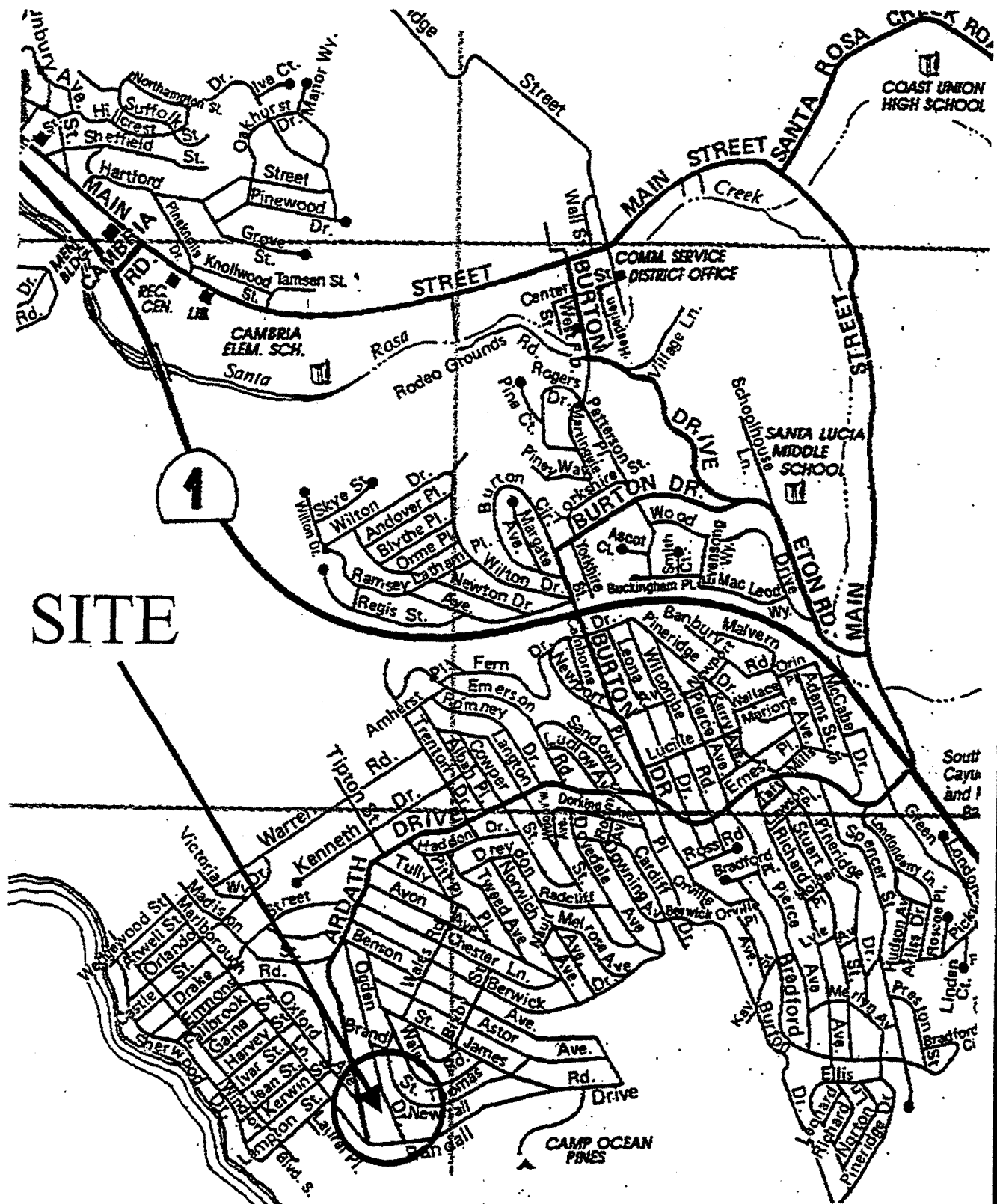
Notice of Final County Action

any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

11. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first,** the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

#### INDEMNIFICATION

12. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.



PROJECT

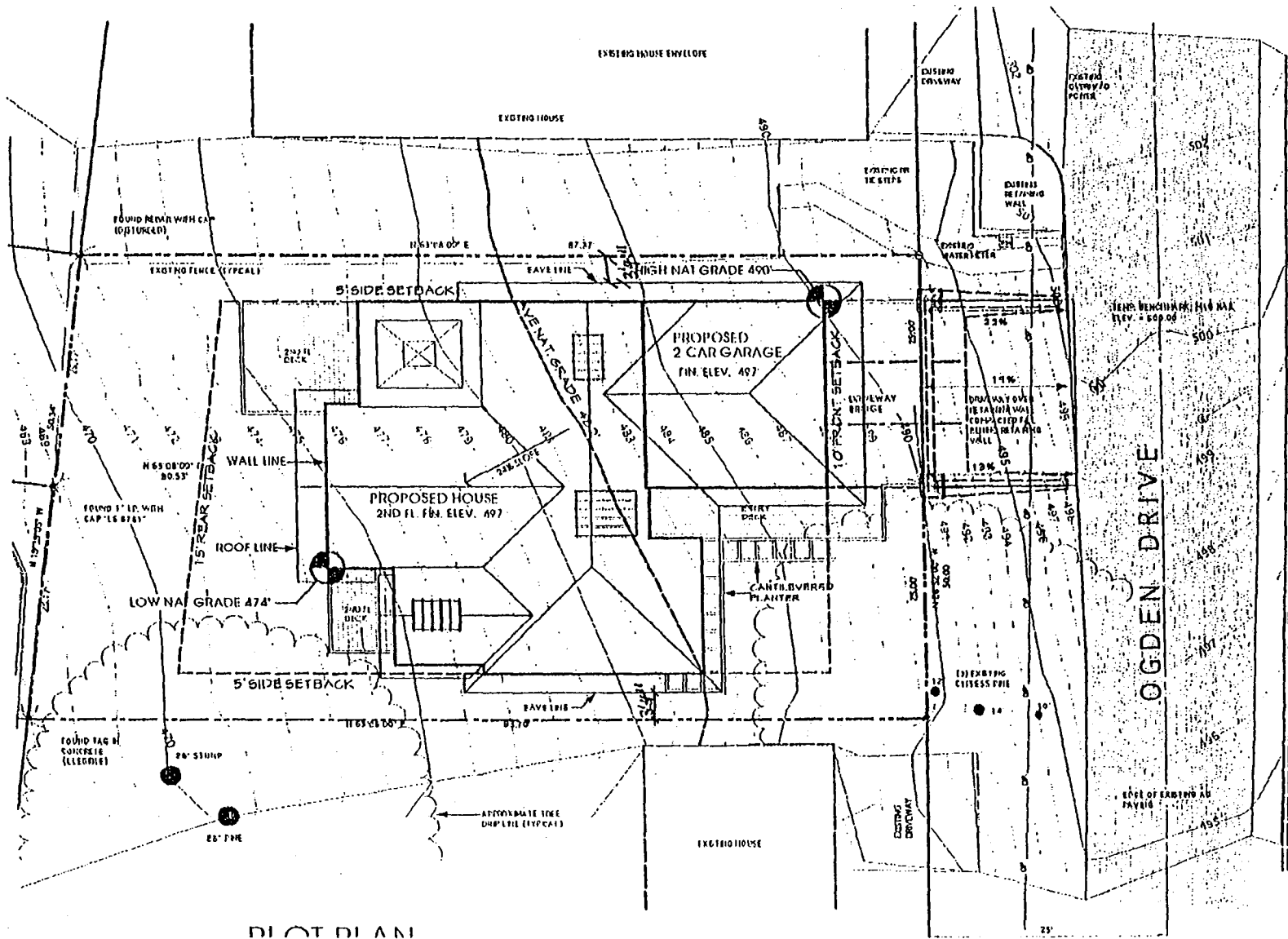
Minor Use Permit  
Monaco (D010064P)



EXHIBIT

Vicinity Map





DIOT PLAN

PROJECT

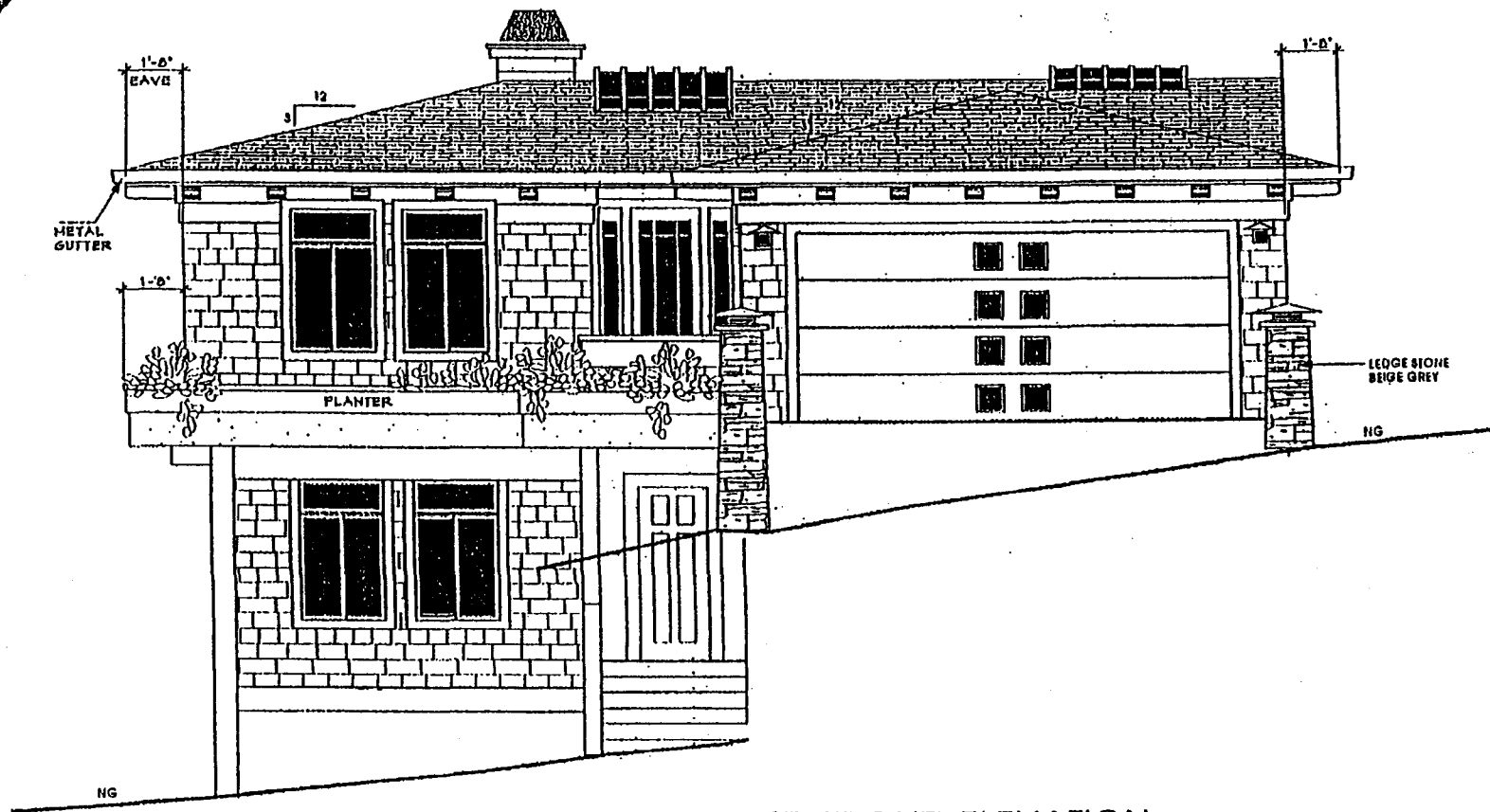
Minor Use Permit  
Monaco (D010064P)



EXHIBIT

Site Plan

28



## EAST (FRONT) ELEVATION

### DESCRIPTION OF EXTERIOR MATERIALS

SCALE 1/4"

SIDING	CEDAR SHINGLES STAINED NAT TONE
TRIM	2X6 HEM FIR WITH LIGHT COLOR STAIN
WINDOWS	DUAL GLAZED
BUILD-UP WALLS	STUCCO WITH MEDIUM TONE COLOR COAT
HAND RAILS	REDWOOD OR TREX
ROOFING	MW 30 YEAR COMP SHINGLE DARK TONE

MUP APPLICATION  
66% REDUCTION

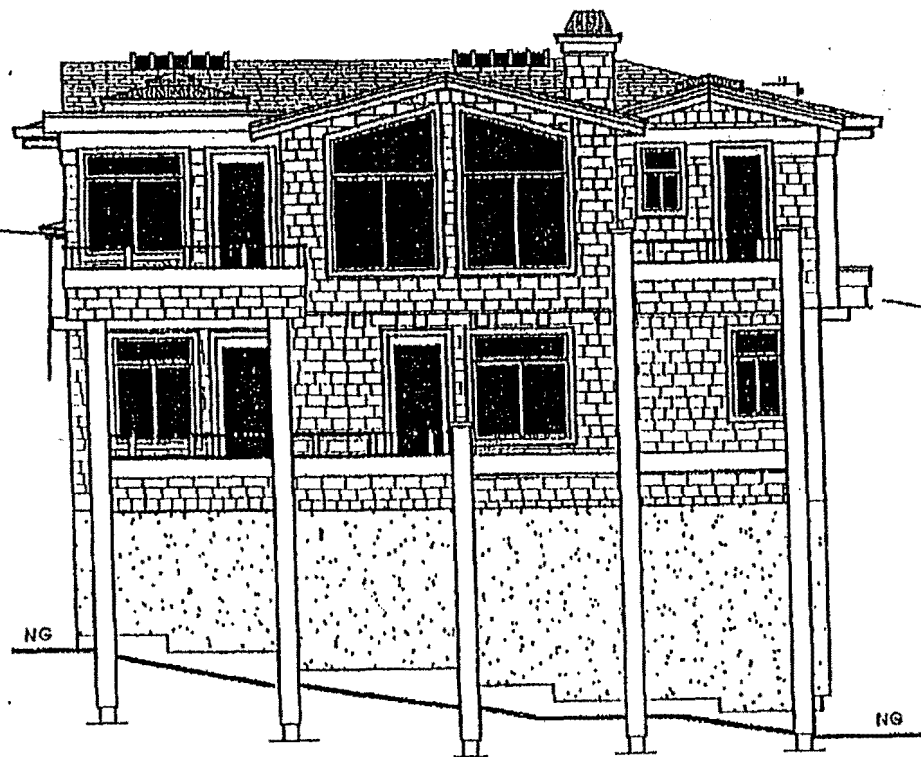
EXHIBIT

Front Elevation



PROJECT

Minor Use Permit  
Monaco (D010064P)



## WEST (BACK) ELEVATION

SCALE 1/8"

### DESCRIPTION OF EXTERIOR MATERIALS

SIDING	CEDER SHINGLES STAINED NAT TONE
TRIM	2X6 HEM FIR WITH LIGHT COLOR STAIN
WINDOWS	DUAL GLAZED
BUILD-UP WALLS	STUCCO WITH MEDIUM TONE COLOR COAT
HAND RAILS	REDWOOD OR TREX
ROOFING	MIN 30 YEAR COMP SHINGLE DARK TONE

MUP APPLICATION  
44% REDUCTION

EXHIBIT

Rear Elevation



PROJECT

Minor Use Permit  
Monaco (D010064P)

**NORTH (RIGHT) ELEVATION**

DESCRIPTION OF EXTERIOR MATERIALS

SCALE 1/8"

BRICK CLAIR BINGLES STAINED NAT TONE

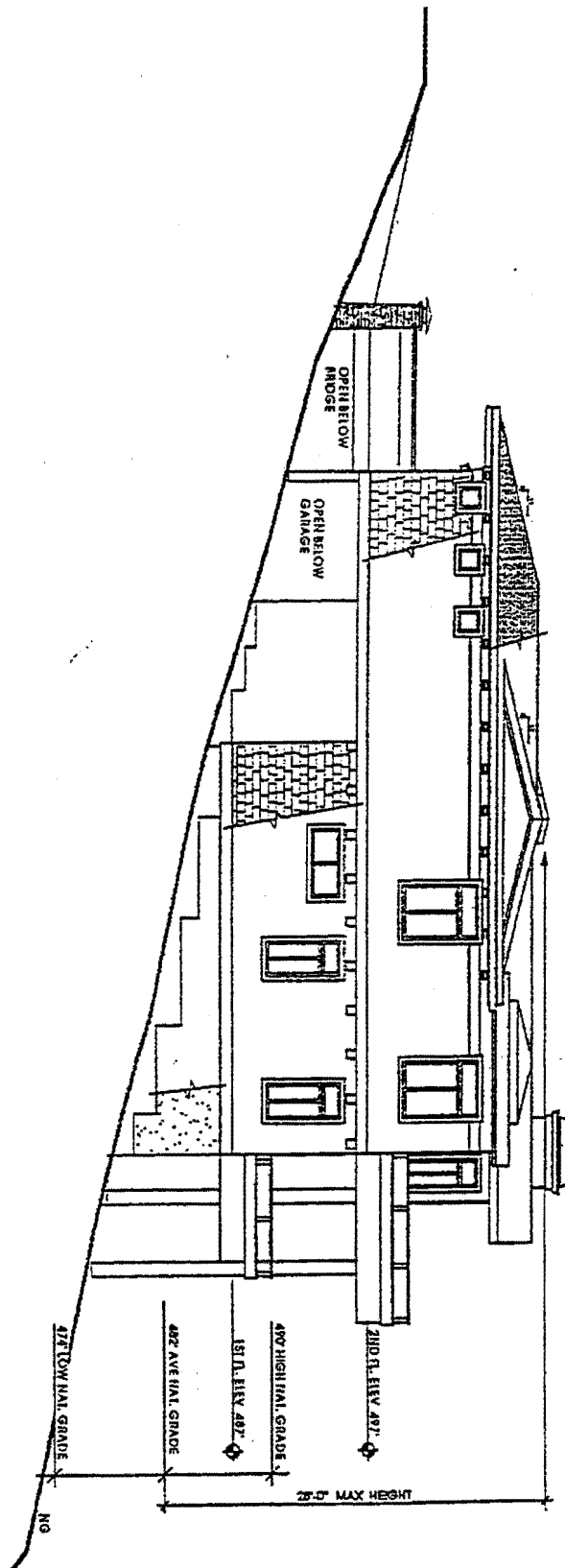
TRAIL 2X12 H&B VINYL TRAIL COLOR B&W

WINDOWS DUAL GLAZED

BUILD UP WALLS STUCCO WITH MEDIUM TONE COLOR COAT

HAND RAILS REDWOOD OR 18BX

ROOFING 40 YEAR COMP SHINGLE DARK TONE



MUP APPLICATION  
66% REDUCTION

PROJECT

Minor Use Permit  
Monaco (D010064P)



EXHIBIT

Right Elevation



HEIGHT ANALYSIS

HIGH NAT GRADE  
LOW NAT GRADE  
AVE. NAT GRADE  
MAX HEIGHT ABOVE AVE  
MAX ALLOWED ELEV.

490 FT  
474 FT  
402 FT  
20 FT  
510 FT

ROOF PEAK ELEV.  
SECOND FLOOR ELEV.  
FIRST FLOOR ELEV.

610 FT  
497 FT  
487 FT

SOUTH ELEVATION

DESCRIPTION OF EXTERIOR MATERIALS

SIDINGS	CEDER SHINGLES STAINED NAT TONE
TRIM	2X6 HEM FIR WITH LIGHT COLOR STAIN
WINDOWS	DUAL GLAZED
WED UP WALLS	STUCCO WITH MEDIUM TONE COLOR COAT
HAND RAILS	REDWOOD OR IREX
ROOFING	1/2" 30 YEAR COMP SHINGLE DARK TONE

SCALE 1/8"

MUP APPLICATION

EXHIBIT

Left Elevation



PROJECT

Minor Use Permit  
Monaco (D010064P)

Basis of Appeal:  
Decision by  
San Luis Obispo County Board of Supervisors hearing, May 21, 2001:  
Monaco MUP APN 023-122-018, D010064P

Issue:

The County illegally granted a land use permit for new a new development in Cambria after January 24, 2002, the date on which the CCSD made it's water unavailability finding and resolution.

References:

***Section 23.04.430- Availability of Water Supply and Sewage Disposal Services.***

*A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section...*

CCSD Board of Directors Resolution: No. 02-2002, dated January 24, 2002, (page C-2 p91 of County Staff Report and attached) states in finding 2:

"The current finite water supply is not adequate or certain enough to support the future water needs of consumers within the Cambria Community Services District. ...Historical analysis of drought conditions in the region indicate that the District's current water supplies are marginal to inadequate to provide the accepted standard of reliability for current water demands." (Underline added)

The "Intent to Serve" letter from the CCSD (which predated resolution 2-2002) was erroneously accepted by the County as proof of water availability. That letter was revoked by 2-2002:

In the second paragraph of the *Intent to Provide Water....*letter from the CCSD (page C-2 p88 of County Staff Report and attached) specifically says it can **revoke the letter "... if there is a change in availability of resources or by a change in ordinances or resolutions.... "**

Conclusion:

The Minor Use Permit for County File D010064P, APN023-122-018 was issued February 15, 2002, after the date of CCSD resolution 02-2002. This act is in violation of ***Section 23.04.430.***

## Basis of Appeal To SLO County Board of Supervisors

The San Luis Obispo County Department of Planning and Building cannot legally issue land use permits after January 24, 2002 for projects in Cambria. The Minor Use Permit for County File D010064P, APN023-122-018 was issued February 15, 2002.

1. The Cambria Community Services District, as the legal authority for determining water availability, determined that there is not adequate water for current water demands in a resolution dated January 24, 2002.

Government Code Section 61600, 61622 and Water Code 350 assign the *applicable approval body* responsibility for determination of of water service adequacy to the CCSD.

The attached CCSD Board of Directors Resolution No. 02-2002, dated January 24, 2002, states in finding 2:

"The current finite water supply is not adequate or certain enough to support the future water needs of consumers within the Cambria Community Services District. ...Historical analysis of drought conditions in the region indicate that the District's current water supplies are marginal to inadequate to provide the accepted standard of reliability for current water demands." (Underline added)

2. The San Luis Obispo County Department of Planning and Building cannot approve any land use permits for developments within the Cambria urban services line after the CCSD has made the above finding.

As required by Public Works Policy 1 of the San Luis Obispo County's Coastal Plan Policies, all new development must demonstrate that there is sufficient water supply to serve the development. This policy is implemented by the following section of the San Luis Obispo County Coastal Zone Land Use Ordinance:

***Section 23.04.430- Availability of Water Supply and Sewage Disposal Services.***

*A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section...*

3. The "Intent to Serve" letter from the CCSD is not a determination that there is sufficient water.

In the second paragraph of the attached *Intent to Provide Water....* letter from the CCSD specifically says it can **revoke the letter "... if there is a change in availability of resources or by a change in ordinances or resolutions.... "**

The CCSD passed Board of Directors Resolution No. 02-2002, dated January 24, 2002 after the Letters of Intent for 2001 were authorized.

4. The enforcement of *Section 23.04.430- Availability of Water Supply and Sewage Disposal Services* is not the responsibility of the CCSD, The County Department of Planning and Building has the

responsibility of enforcing the Local Coastal Plan.

The CCSD can have many political, legal or financial reasons for issuing *Letters of Intent*. For instance, if they are threatened with a lawsuit if they do not release *Letters of Intent*, they can simply release the Letters and pass the problem to the County or Coastal Commission.

*Letters of Intent* are not a determination that there is adequate water. The Board of Directors Resolution No. 02-2002 takes precedence over the "Intent to Serve" letters.

5. The intent or conclusions of CCSD staff reports and analysis on water availability do not supersede the language of the findings of Resolution No. 02-2002.

At the April NCAC meeting, the CCSD management argued that the findings should not be considered outside of the context of the CCSD staff reports prepared to support the hearings preceding the resolution. They argue, "The staff reports show what the findings are really supposed to say and mean. All of the holders of letters of intent should be included in the resolutions *current users*."

The resolution's second paragraph states that the Board of Directors did not limit its considerations to the staff reports:

"WHEREAS, at the meeting the Board of Directors received and considered the reports and testimony of the District staff, The testimony of the public, and received any and all submissions of documents for consideration...."

The resolution says only what the resolution says. It does not say "current users and holders of letters of intent." It says "current users."



# CAMBRIA COMMUNITY SERVICES DISTRICT

**DIRECTORS:**  
 HELEN MAY, President  
 PETER CHALDECOTT, Vice President  
 GREG FITZGERALD  
 ILAN FUNKE-BILU  
 DONALD VILLENEUVE



**OFFICERS:**  
 VERN HAMILTON, Interim General Manager  
 KATHY CHOATE, District Clerk  
 ARTHUR MONTANDON, District Counsel

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428  
 Telephone (805) 927-8223 • Facsimile (805) 927-8224

DECEMBER 1, 2001

STEPHEN & SUSAN MONACO  
 5333 MEADOW LN  
 DOWNERS GROVE IL 60515

Post-Net Fax Note	7871	Date	2/14	1st Page
To	MARTELLA	From		
City/Dept.		Co.		
Phone #		Phone #		
Fax #		Fax #		

**Subject:** INTENT TO PROVIDE WATER AND SEWER SERVICE for SINGLE FAMILY RESIDENTIAL Project under the Water Conservation and Retrofit Program  
 ASSESSOR'S PARCEL NO.: 023-122-018

Dear Applicant,

Pursuant to provisions of District Ordinances No. 1-98, 2-99, 4-99 and 2-2000 the above referenced parcel has been approved for a water and sewer capacity allocation in the amount of One Equivalent Dwelling Unit (1 EDU), for your Single Family Residential Project. On that basis, this letter serves as notification of this District's present intention to provide water and sewer service to the above referenced parcel.

This is also to inform you that the District's issuance to you of this "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. This "Intent to Serve" letter may be revoked as a result of conditions imposed upon the District by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time. **PLEASE NOTE: THE BOARD OF DIRECTORS WILL CONDUCT A MID-YEAR REVIEW OF THE RETROFIT PROGRAM AT WHICH TIME IT MAY CONSIDER AMENDING THIS PROGRAM TO PLACE RESTRICTIONS ON THE ISSUANCE OF CONNECTION PERMITS.**

Consistent with the above limitations, the District requires that the applicant comply with Ordinance 1-98 (as amended). Specific attention should be paid to Sections C-4 and 5 (page A-2) which require certain actions to be completed within strict time limits. Water usage under this program will be monitored and in the event a 2 to 1 savings is not achieved, the District may require additional action on your part prior to issuing a water and sewer connection.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements is attached for your information and should be forwarded to your architect or contractor.

CCSD

Intent to Serve

page 2

Subject to earlier revocation for the reasons stated above, this "Intent to Serve" letter is valid for 18 months from date of issue. However, it is subject to consideration for a six-month extension. Application for such extension shall be subject to a non-refundable fee in the amount of \$200 and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it shall be subject to any conditions which may be imposed.

During the period that this "Intent to Serve" letter is valid (see date below), you must obtain a water and sewer connection permit for the project by submitting signed application form, and an approved County Building Permit, together with payment of any balance due on retrofit, and water/sewer connection fees. Failure to complete any of the requirements of this "Intent to Serve" letter within the proscribed time restraints may result in revocation of this "Intent to Serve" letter, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance.

Sincerely,

CAMBRIA COMMUNITY SERVICES DISTRICT



V. L. Hamilton

Interim General Manager

VLH/jh

Enc. Request for Allocation Form  
Agent Authorization Form  
New Construction Requirements  
Helpful Phone Numbers

**PLEASE NOTE THESE IMPORTANT DEADLINES:**(Must be done **NO LATER THAN:**)

- Apply to San Luis Obispo County Planning Dept. for Allocation ..... 12/28/01  
(County will need a copy of this "Intent" letter to process your building permit.  
Please be sure to provide a copy to your builder if he/she will be handling your permit process)
- Submit Retrofits or Pay "In Lieu" Fee ..... 02/01/02
- Complete Retrofits (if retrofitting others' homes instead of paying "in lieu fee").. 03/01/02
- Apply to District for "Intent Letter" extension (if needed) ..... 05/01/03  
or
- Submit County Building Permit to District before "Intent Letter" expires ..... 06/01/03



**RESOLUTION 02-2002**  
**DATED: JANUARY 24, 2002**  
**RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**CAMBRIA COMMUNITY SERVICES DISTRICT**  
**ADOPTING FINDINGS SUPPORTING ITS DECLARATION OF A**  
**WATER CODE SECTION 350 WATER SHORTAGE EMERGENCY CONDITION**  
**IN THE CAMBRIA COMMUNITY SERVICES DISTRICT**

WHEREAS, the Board of Directors of the Cambria Community Services District held a duly noticed public hearing at its November 15, 2001 regular board meeting; and

WHEREAS, at the meeting the Board of Directors received and considered the reports and testimony of District staff, the testimony of the public, and received any and all submissions of documents for consideration by the Board regarding its consideration of a Water Code Section 350 water shortage emergency condition; and

WHEREAS, the Board of Directors duly considered all the evidence, statements, protests, and concerns; and

WHEREAS, The Board of Directors of the Cambria Community Services District declared on November 15, 2001 that a water shortage emergency condition prevails in the area served by the Cambria Community Services District;

Now, Therefore, the Board of Directors of the Cambria Community Services District adopts the following findings based upon the evidence, statements, protests and concerns submitted:

1. The current water availability, storage, and delivery system is insufficient to supply water for the current and future fire protection needs of the District.

The evidence which supports this finding is that the current production and storage capacity for the system provides less than 50% of the water that would be required for a major fire event. This evidence is based upon the standards of the Uniform Fire Code, 1997 edition, Table A.-III-A-I. This standard as applied to the District does not consider the flora, topography, and dry season, which increases the

fire danger within the District and adds to the inadequacy of water available for fire protection.

2. The current finite water supply is not adequate or certain enough to support the current and future water needs of the consumers within the Cambria Community Services District.

The evidence that supports this finding is the current sole water supply is groundwater from two coastal aquifers with finite water. The Cambria Community Services District's ability to pump water from these aquifers is restricted by State Permits, private agreements, State and Federal laws regarding water rights, and State and Federal laws regarding habitat and species protection. The safe yield of water from these aquifers is also impacted by weather conditions. Historical analysis of drought conditions in the region indicate that the District's current water supplies are marginal to inadequate to provide the accepted standard of reliability for current water demands. (District staff reports, Kennedy/Jenks Baseline Water Supply Analysis).

In addition, MTBE contamination has forced the indefinite closure of the Santa Rosa Creek wells. Though a temporary replacement well is operating, the District's ability to secure long-term use and permits for this replacement well are uncertain.

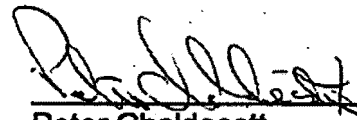
On the motion of Director Funke-Bilu, seconded by Director May, and the following roll call vote, to wit:

AYES: Funke-Bilu, May, Villeneuve, Chaldecott

NOES: None

ABSENT: Fitzgerald

Resolution No. 02-2002 is hereby adopted.

  
Peter Chaldecott  
President, Board of Directors

ATTEST:

  
Kathy Choate, District Clerk

# CAMBRIA COMMUNITY SERVICES DISTRICT

**DIRECTORS:**

HELEN MAY, President  
 PETER CHALDECOTT, Vice President  
 GREG FITZGERALD  
 ILAN FUNKE-BILU  
 DONALD VILLENEUVE


**OFFICERS:**

VERN HAMILTON, Interim General Manager  
 KATHY CHOATE, District Clerk  
 ARTHUR MONTANDON, District Counsel

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428  
 Telephone (805) 927-6223 • Facsimile (805) 927-6224

DECEMBER 1, 2001

STEPHEN & SUSAN MONACO  
 5333 MEADOW LN  
 DOWNERS GROVE IL 60515

Post-it Fax Note 7671		Date 2/14	# of pages
To	MARTHA	From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Subject: INTENT TO PROVIDE WATER AND SEWER SERVICE for SINGLE FAMILY  
RESIDENTIAL Project under the Water Conservation and Retrofit Program  
 ASSESSOR'S PARCEL NO.: 023-122-018

Dear Applicant,

Pursuant to provisions of District Ordinances No. 1-98, 2-99, 4-99 and 2-2000 the above referenced parcel has been approved for a water and sewer capacity allocation in the amount of One Equivalent Dwelling Unit (1 EDU), for your Single Family Residential Project. On that basis, this letter serves as notification of this District's present intention to provide water and sewer service to the above referenced parcel.

This is also to inform you that the District's issuance to you of this "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. This "Intent to Serve" letter may be revoked as a result of conditions imposed upon the District by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time. PLEASE NOTE: THE BOARD OF DIRECTORS WILL CONDUCT A MID-YEAR REVIEW OF THE RETROFIT PROGRAM. AT WHICH TIME IT MAY CONSIDER AMENDING THIS PROGRAM TO PLACE RESTRICTIONS ON THE ISSUANCE OF CONNECTION PERMITS.

Consistent with the above limitations, the District requires that the applicant comply with Ordinance 1-98 (as amended). Specific attention should be paid to Sections C-4 and 5 (page A-2) which require certain actions to be completed within strict time limits. Water usage under this program will be monitored and in the event a 2 to 1 savings is not achieved, the District may require additional action on your part prior to issuing a water and sewer connection.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements is attached for your information and should be forwarded to your architect or contractor.

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CSD  
intent to Serve  
page 2

Subject to earlier revocation for the reasons stated above, this "Intent to Serve" letter is valid for 18 months from date of issue. However, it is subject to consideration for a six-month extension. Application for such extension shall be subject to a non-refundable fee in the amount of \$200 and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it shall be subject to any conditions which may be imposed.

During the period that this "Intent to Serve" letter is valid (see date below), you must obtain a water and sewer connection permit for the project by submitting signed application form, and an approved County Building Permit, together with payment of any balance due on retrofit, and water/sewer connection fees. Failure to complete any of the requirements of this "Intent to Serve" letter within the proscribed time restraints may result in revocation of this "Intent to Serve" letter, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance.

Sincerely,  
CAMBRIA COMMUNITY SERVICES DISTRICT

  
V. L. Hamilton  
Interim General Manager

VLH/jh

Enc. Request for Allocation Form  
Agent Authorization Form  
New Construction Requirements  
Helpful Phone Numbers

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**PLEASE NOTE THESE IMPORTANT DEADLINES:** (Must be done **NO LATER THAN:**)

- Apply to San Luis Obispo County Planning Dept. for Allocation ..... 12/28/01  
(County will need a copy of this "Intent" letter to process your building permit.  
Please be sure to provide a copy to your builder if he/she will be handling your permit process)
  - Submit Retrofits or Pay "In Lieu" Fee ..... 02/01/02
  - Complete Retrofits (if retrofitting others' homes instead of paying "in lieu fee").. 03/01/02
  - Apply to District for "Intent Letter" extension (if needed) ..... 05/01/03  
or
  - Submit County Building Permit to District before "Intent Letter" expires ..... 06/01/03
-