



# California Fair Political Practices Commission

June 5, 1986

Ms. Mary Hudson, Counsel  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, CA 94105

Re: Your Request for Formal  
Written Advice on Behalf of  
Madelyn Glickfeld, Coastal  
Commissioner Alternate;  
Our File No. A-86-113

Dear Ms. Hudson:

Your request for advice is a composite of three letters and several telephone conversations with you and with Ms. Glickfeld over a period of time, together with numerous other materials submitted with your correspondence. Oral advice has been previously provided regarding Ms. Glickfeld's participation as to certain agenda items at the Coastal Commission's May 13-14 meeting. The purpose of this letter is to provide you and Ms. Glickfeld with long-term guidance as to future decisions; as such, it is rendered in a timely manner.

## FACTS

Ms. Glickfeld is a professional planner and the principal in the consulting firm, MJG Incorporated. Until very recently, she has been MJG's only employee. In March 1986, MJG employed a part-time clerical worker and had previously contracted with another clerical worker to provide clerical services to MJG. Since 1977, MJG has contracted with various state and local governmental agencies to provide them with consulting and planning services.

The first concern about potential conflicts of interest under the Political Reform Act arises from Ms. Glickfeld's business relationship with the State Coastal Conservancy, a state agency which carries out resources protection, restoration, and enhancement programs in the coastal zone. (See Division 21, (commencing with Section 31000) Pub. Res. Code.)

Ms. Mary Hudson  
June 5, 1986  
Page 2

In December 1985, MJG entered into a contract to provide consulting services to the State Coastal Conservancy ("Conservancy") for \$25,000. MJG will advise the Conservancy on potential coastal restoration projects for areas along the coast which are subdivided but mostly or entirely undeveloped. Two specific subdivision restoration projects identified in the contract are at Swanton Road in Santa Cruz County and Wavecrest in Half Moon Bay. The contract provides that MJG will inventory all past Conservancy lot consolidation programs, review potential coastal restoration projects, and perform a survey of restoration techniques for local governments. MJG must also review draft programs and guidelines and develop two model projects. At this time, Ms. Glickfeld knows with reasonable certainty that, in addition to the Swanton Road and Wavecrest areas, certain other geographic areas are likely to be involved in her work pursuant to this contract. The possibility also exists that she may work on other areas not yet identified. A copy of this contract was enclosed with your March 25 letter.

In addition to the extant contract with the Conservancy, Ms. Glickfeld hopes that MJG will enter into future contracts for consulting services to the Conservancy. At this time it is not possible to predict whether there will be any such contracts or, if there are, what geographic areas will be involved in the contract work. However, as further discussed below, in some instances it may be possible for Ms. Glickfeld to surmise that certain areas have the potential of providing future work for MJG through Conservancy contracts.

As an alternate Coastal Commissioner, Ms. Glickfeld will sit and act in the capacity of a coastal commissioner when the principal appointee cannot attend a Coastal Commission meeting. Among the Coastal Commission's responsibilities is the review and approval of all coastal restoration projects the State Coastal Conservancy proposes to undertake. Future projects to be reviewed by the Coastal Commission will include those developed as a consequence of MJG's work under the extant contract.

The Coastal Commission also reviews coastal permits and local coastal programs (LCPs). Through these processes the Coastal Commission sometimes identifies resource protection or restoration projects which may be needed in problem areas such as degraded wetlands or inappropriately located subdivisions. Frequently these projects are undertaken by the Conservancy, and it is possible that some of them may be the subject of future MJG consulting contracts with the Conservancy. It may

be important to note that virtually all such problem areas and their need for correction have already been identified in previous Coastal Commission actions - generally, either through partial approvals of LCPs (with action on the problem areas deferred for later solution) or through action approving the work programs underlying the LCPs.

#### QUESTIONS

Based upon this information, you have requested that we advise Ms. Glickfeld whether she must disqualify herself from voting upon: (1) matters, such as the Coastal Conservancy's Wavecrest Restoration Project, which she knows she will be working upon under her existing Coastal Conservancy contract; (2) any matter which she might work upon pursuant to the existing Coastal Conservancy contract; and (3) any matter which she believes she might work upon pursuant to any future contract between MJG and the Coastal Conservancy.

#### ANALYSIS

The Political Reform Act (the "Act")<sup>1/</sup> requires that public officials disqualify themselves from making, participating in making, or using their official positions to influence governmental decisions in which they have a financial interest. Section 87100. What constitutes a financial interest is set out in Section 87103, as follows:

An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

---

<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Because contracts are involved here, I have advised you to seek advice from the Attorney General regarding possible Section 1090 issues and you are in the process of doing that.

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

Ms. Glickfeld and her husband are the 100% owners of the business entity MJG, Incorporated. Section 82005. She presumably has an investment in MJG of \$1,000 or more. Section 87103(a). It is also a source of income to her. Section 87103(c). In addition, sources of income to the business entity will be treated as sources of income to her on a pro rata basis. Sections 82030(a) and 87103(c). In this instance, as a 100% owner, 100% of the income of any customer/client of MJG is attributed to her. Lastly, she is an officer in MJG since she is the principal in the firm. Section 87103(d).

Ms. Mary Hudson  
June 5, 1986  
Page 5

As an alternate member of the California Coastal Commission, Ms. Glickfeld is a public official and makes or participates in making governmental decisions when she acts in that capacity.

Thus, Ms. Glickfeld will be required to disqualify herself as to any governmental decisions which will have a reasonably foreseeable material financial effect upon MJG, or upon any source of income to MJG in the amount of \$250 or more during the preceding 12-month period, if the effect upon her economic interest will be distinguishable from the decisions' effect upon the public generally.

It is clear that Ms. Glickfeld will be required to disqualify herself from any decision which will result in an increase or decrease in business to MJG of at least \$10,000 in annualized gross revenues. See, 2 Cal. Adm. Code Section 18702.2(g)(1), copy enclosed; and Thorner Opinion, 1 FPFC Opinions 198, No. 75-089, December 4, 1975, copy enclosed. Also, disqualification would be required if MJG "appears" before the Coastal Commission on any matter. See, 2 Cal. Adm. Code Section 18702.1(a)(1) & (2), (b). In this regard, you are reminded that as to contractual relationships, Section 1090, et seq., may result in an absolute bar rather than mere disqualification. As noted earlier (fn. 1), you are pursuing advice from the Attorney General on this issue.

With regard to Coastal Commission review of matters on which Ms. Glickfeld has worked or is working, if her work product is being considered/reviewed, disqualification would be required on the basis of the "nexus" between the purpose of her work and the governmental decision. See, 2 Cal. Adm. Code Section 18702(b)(3)(B).

Lastly, we turn to the issue of Coastal Commission decisions which may affect local governmental entities which have contracted with Ms. Glickfeld, but as to which decisions there is no reasonably foreseeable material financial effect upon her or upon MJG. In these instances the county, for instance, would be a source of income to MJG and, therefore, to Ms. Glickfeld within the past 12 months. However, decisions affecting the county are considered to affect a significant segment of the general public. In this case the people of the state would constitute the general public. A county government would represent a "significant segment" of the general public.. See, 2 Cal. Adm. Code Section 18703, and Taylor Advice Letter, No. A-78-086 at page 4, copy enclosed.

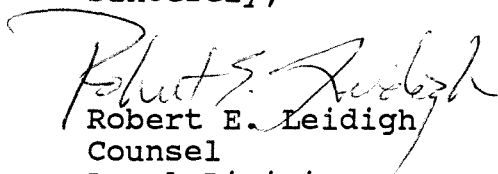
Ms. Mary Hudson  
June 5, 1986  
Page 6

CONCLUSION

Ms. Glickfeld should continue to seek advice from the Attorney General on the Section 1090 issues. She may participate in Coastal Commission decisions which do not involve review of her work product on projects which she is working on or has worked on. She must disqualify herself as to the any such review and as to any decisions which may reasonably foreseeably result in increasing or decreasing her consulting business in a material amount, as discussed above.

Should you have any questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:sm  
Enclosures

## CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

F P P C  
APR 23 2 28 PM '86



April 22, 1986

Mr. Bob Leidigh, Esq.  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
Sacramento, CA 95804

re: Advice Request For Coastal Commissioner Alternate Madelyn Glickfeld

Dear Mr. Leidigh:

On March 25, 1986, we requested that the FPPC respond to certain questions about possible conflicts of interest regarding Madelyn Glickfeld, a recently appointed coastal commissioner alternate. As you and I have discussed, your office has not yet been able to provide Commissioner Glickfeld with a final answer to the questions contained in that request. This letter expands upon and supersedes our March 25 inquiry and replies to some of your questions to us.

Ms. Glickfeld is a professional planner and the principal in the consulting firm, MJG Incorporated. Until very recently, she has been MJG's only employee. In March 1986, MJG employed a part-time clerical worker who previously contracted to provide clerical services to MJG. Since 1977, MJG has contracted with various state and local governmental agencies to provide them with consulting and planning services.

The first concern about potential conflicts of interest arises from Ms. Glickfeld's business relationship with the State Coastal Conservancy, a state agency which carries out resources protection, restoration, and enhancement programs in the coastal zone. (See Division 21, Cal. Gov. Code.)

In December 1985, MJG entered into a contract to provide consulting services to the State Coastal Conservancy for \$25,000. MJG will advise the Conservancy on potential coastal restoration projects for areas along the coast which are subdivided but mostly or entirely undeveloped. Two specific subdivision restoration projects identified in the contract are at Swanton Road in Santa Cruz County and Wavecrest in Half Moon Bay. The contract provides that MJG will inventory all past Conservancy lot consolidation programs, review potential coastal restoration projects, and perform a survey of restoration techniques for local governments. MJG must also review draft programs and guidelines and develop two model projects. At this time, Ms. Glickfeld knows with reasonable certainty that, in addition to the Swanton Road and Wavecrest areas, certain other geographic areas are likely to be

Mr. Bob Leidigh, Esq.  
April 22, 1986  
Page 2

involved in her work pursuant to this contract. The possibility also exists that she may work on other areas not yet identified. A copy of this contract was enclosed with our March 25 letter.

In addition to the extant contract with the Conservancy, Ms. Glickfeld hopes that MJG will enter into future contracts for consulting services to the State Coastal Conservancy. At this time it is not possible to predict whether there will be any such contracts or, if there are, what geographic areas will be involved in the contract work. However, as further discussed below, in some instances it may be possible for Ms. Glickfeld to surmise that certain areas have the potential of providing future work for MJG through Conservancy contracts.

As an alternate coastal commissioner, Ms. Glickfeld will sit and act in the capacity of a coastal commissioner when the principal appointee cannot attend a Commission meeting. Among the Commission's responsibilities is the review and approval of all coastal restoration projects the State Coastal Conservancy proposes to undertake. Future projects to be reviewed by the Commission will include those developed as a consequence of MJG's work under the extant contract. We have requested the Coastal Conservancy, through its chief counsel Marcia Grimm, to respond to your requests for information regarding the Coastal Conservancy's contract with MJG and other Conservancy projects brought before the Coastal Commission.

The Commission also reviews coastal permits and local coastal programs (LCPs). Through these processes the Commission sometimes identifies resource protection or restoration projects which may be needed in problem areas such as degraded wetlands or inappropriately located subdivisions. Frequently these projects are undertaken by the Conservancy, and it is possible that some of them may be the subject of future MJG consulting contracts with the Conservancy. It may be important to note that virtually all such problem areas and their need for correction have already been identified in previous Commission actions - generally, either through partial approvals of LCPs (with action on the problem areas deferred for later solution) or through action approving the work programs underlying the LCPs.

Based upon this information, we request that you advise Ms. Glickfeld whether she must disqualify herself from voting upon: (1) matters, such as the Conservancy's Wavecrest Restoration Project, which she knows she will be working upon under her existing Conservancy contract; (2) any matter which she might work upon pursuant to the existing Conservancy contract; and (3) any matter which she believes she might work upon pursuant to any future contract between MJG and the Conservancy.

A second potential area of conflict concerns MJG's business relationships with local governments in the coastal zone. MJG now proposes to contract with the County of San Luis Obispo to develop a transfer of development credit program for the Cambria/Lodge Hill area. The County's LCP includes policies already certified by the Coastal Commission requiring a transfer of development credit program to minimize the development in an environmentally sensitive Monterey pine forest. To implement these policies, the County will develop ordinances and implementation measures to transfer density off of the most sensitive parcels in that area. Although the County and MJG have not yet

Mr. Bob Leidigh, Esq.  
April 22, 1986  
Page 3

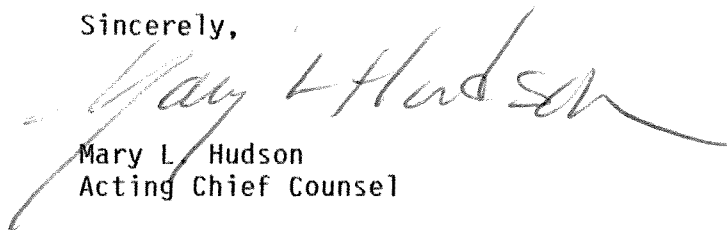
concluded the contract, Ms. Glickfeld has received a letter of intent from County professional staff. The County is funding this implementation program through a grant of \$18,000 from the Coastal Commission. The Commission approved that grant in December of 1985, before Ms. Glickfeld's appointment as a commissioner alternate. The County is seeking an additional \$15,000 from the State Coastal Conservancy to fund the work.

In addition, Ms. Glickfeld believes MJG can reasonably expect to enter into future contracts to provide planning services to other state and local agencies. At this time she cannot predict which geographic areas may be involved in any such contracts. However, as noted in connection with the Conservancy projects, the problem areas have already been identified and are generally known to Ms. Glickfeld. It is possible that some of the future MJG contracts may be funded by grants which must be approved by the Coastal Commission.

Based upon this information, please advise Ms. Glickfeld whether she must disqualify herself from participating in any Commission decision involving (1) any San Luis Obispo County LCP matter; (2) any project - whether a Conservancy project, LCP amendment, or permit - involving the Cambria/Lodge Hill area; (3) any other matter in connection with which MJG has received or later may receive income through a contract with local government; or (4) a grant to local government which will or may be used to contract with MJG.

Since you and I have had the opportunity to discuss this matter several times, I hope that it will be possible for the FPPC to get a reply to Ms. Glickfeld before the Commission meeting days of May 13 and 14, when she plans to participate on the Commission. Please call me or Ms. Glickfeld at (213) 456-2217 if you have any questions or need additional materials.

Sincerely,



Mary L. Hudson  
Acting Chief Counsel

cc: Madelyn Glickfeld  
Marcia Grimm  
Peter Douglas

## CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

F P F  
MAR 24 2 07 PM '86



March 19, 1986

John Keplinger, Executive Director  
Fair Political Practices Commission  
1100 "K" Street  
Sacramento, CA 95804

Subject: Advice Request for Madelyn Glickfeld

Dear Mr. Keplinger:

This is to request your advice as to potential conflicts of interest regarding Madelyn Glickfeld, who was appointed an alternative Coastal Commissioner to the California Coastal Commission on March 12, 1986.

Ms. Glickfeld is a professional planner and the principal in the consulting firm, "MJG Incorporated." Her firm is involved in two contracts, about which she would like your advice.

As indicated in the attached letter, MJG Incorporated has been retained by the State Coastal Conservancy to advise them on potential coastal restoration projects for areas along the coast which are subdivided but mostly or entirely undeveloped. The contract amount is \$25,000. Two specific subdivision restoration projects identified in the contract are Swanton Road in Santa Cruz County and Wavecrest in Half Moon Bay. The contract provides that MJG Incorporated will review other subdivision information, inventory potential coastal restoration projects, and perform a survey of restoration techniques for local government. MJG must also review draft program and guidelines, and develop two model projects.

As an alternate Commissioner, Ms. Glickfeld will sit and act in the capacity of a Coastal Commissioner when the principal appointee cannot attend a Commission meeting. Among the Commission's responsibilities is the review and approval of all coastal restoration projects the Conservancy proposes to undertake. Future projects to be reviewed by the Commission will include those developed as a consequence of MJG's work. The Commission also reviews coastal permits and local coastal programs (LCPs), which may have indirect or direct relevance to other projects undertaken by the California Coastal Conservancy. I have requested Coastal Conservancy, through its counsel Marcia Grimm, to respond to your requests for information regarding the Coastal Conservancy's contract with MJG and other Conservancy projects brought before the Coastal Commission.

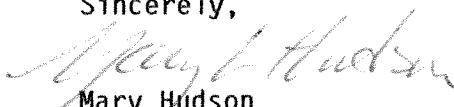
John Keplinger, Executive Director  
March 19, 1986  
Page 2

A second potential conflict concerns a proposed contract between MJG Incorporated and the County of San Luis Obispo involving the development of a transfer of development credit program for the Cambria/Lodge Hill area. The County's LCP includes policies already certified by the Coastal Commission requiring a transfer of development credit program to minimize the development in an environmentally sensitive Monterey pine forest. To implement these policies, the County will develop ordinances and implementation measures to transfer density off of the most sensitive parcels in that area. Although the County and MJG Incorporated have not yet formally entered into the contract, Ms. Glickfeld has received a letter of intent from County professional staff. The County is funding this implementation program through a grant of \$18,000 from the Coastal Commission. The Commission approved that grant in December of 1985. The County is seeking an additional \$15,000 from the State Coastal Conservancy to fund the work it believes necessary. I have enclosed a copy of the certified San Luis Obispo County land use plan including the policy regarding the Cambria/Lodge Hill area. At your request we will supply any additional information you may need to complete your analysis.

Based upon these facts, we request that you advise us as to what degree Ms. Glickfeld must make disclosures and/or disqualify herself from participating in the decisions of the California Coastal Commission?

We would very much appreciate your prompt response in order that Ms. Glickfeld may participate in the meeting of the Coastal Commission scheduled for April 15 through 18, 1986.

Sincerely,



Mary Hudson  
Acting Chief Counsel

Enclosure

cc: Madelyn Glickfeld  
Marcia Grimm  
Peter Douglas

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS AND FOR SHIPMENTS FROM PUERTO RICO TO THE U.S.A.  
 FILL OUT PURPLE AREAS. FOR ASSISTANCE, CALL 800-238-5355, TOLL FREE.  
 SEE BACK OF FORM SET FOR COMPLETE PREPARATION INSTRUCTIONS.



Sender's Federal Express Account Number: **94154081** Date: **3/25/86**

From (Your Name): **California Coastal Comm**  
 Your Phone Number (Very Important): **(415) 543-8555**  
 Company: **Mary L. Hudson**  
 Department/Floor No.: **4th Flr**  
 Street Address: **631 Howard Street**  
 State: **California**  
 City: **San Francisco**  
 ZIP \*Zip Code Required For Correct Invoicing: **94105**

To (Recipient's Name): **Attn: Staff**  
 Recipient's Phone Number (Very Important):  
**John Keplinger Counsel**  
 Company: **Fair Political Practices Comm**  
 Department/Floor No.:  
 Exact Street Address (Use of P.O. Boxes or P.O. • Zip Codes Will Delay Delivery And Result in Extra Charge.):  
**428 "J" St., Suite 800**  
 City: **Sacramento** State: **California**  
 ZIP Street Address Zip Required (No. P.O. Box • Zip Code): **95804**

BILL NO. **109041376**

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)

**HOLD FOR PICK-UP AT THIS FEDERAL EXPRESS STATION:**  
 Street Address (See Service Guide or Call 800-238-5355)

SHIPMENT  Bill Shipper  Bill Recipient's FedEx Acct No.  Bill 3rd Party FedEx Acct. No.  Bill Credit Card  
 Fill in line below Fill in line below Fill in line below  
 Cash FedEx Acct. No. or Major Credit Card No. **94154081**

**SERVICES CHECK ONLY ONE BOX**

**PROBREM OVERNIGHT LETTER**  
 6 (Our Packaging) 9"x12"

**OVERNIGHT DELIVERY USING OUR PACKAGING**  
 Courier-Pak Overnight Envelope 12" x 15 1/2"

Overnight Box 12 1/2" x 17 1/2" x 3" A

Overnight Tube 38" x 6" x 6" B

**STANDARD AIR**  
 Delivery not later than second business day

**SERVICE COMMITMENT**  
 RITY 1 - Delivery is scheduled early next business morning in metropolitan areas. It may take two or more business days if the destination is outside our primary service areas.  
 (GUARANTEED) AIR - Delivery is guaranteed next business day in most non-remote business days. It may take three or more business days if the destination is outside our primary service areas.

**DELIVERY AND SPECIAL HANDLING CHECK SERVICES REQUIRED**

1  **HOLD FOR PICK-UP** Give the Federal Express address where you want package held in Section H At right.

2  **DELIVER WEEKDAY**

3  **DELIVER SATURDAY** (Extra charge applies.)

4  **RESTRICTED ARTICLES SERVICE (RAS)** (R-1 and Standard Air Packages Only. Extra charge applies.)

5  **CONSTANT SURVEILLANCE SERVICE (CSS)** (Extra charge applies.)

6  **DRY ICE** \_\_\_\_\_ Lbs

7  **OTHER SPECIAL SERVICE** \_\_\_\_\_

8

9  **SATURDAY PICK-UP OR SATURDAY DROP-OFF** (Extra charge applies.)

PACKAGES	WEIGHT	YOUR DECLARED VALUE (See right)	OVER SIZE
1			
2			
3			
Total	Total	Total	

Received At:  
 Shipper's Door  
 Regular Stop  
 Call Stop  
 Federal Express Corp. Employee No. **02437-AR-25**

Date/Time For Federal Express Use: \_\_\_\_\_

ZIP \*Zip Code of Street Address Required

Emp. No. \_\_\_\_\_ Date \_\_\_\_\_

Cash Received  
 Return Shipment  
 Third Party  Chg. To Del.  Chg. To Hold

Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Received By: **X**  
 Date/Time Received \_\_\_\_\_ FedEx Employee Number \_\_\_\_\_

Federal Express Use	
Base Charges	
Declared Value Charge	
Origin Agent Charge	
Other	
Total Charges	

PART #2041738900  
 FEC-S-750-25  
 REVISION DATE  
 10/84  
 PRINTED U.S.A. NCR

RECIPIENT'S COPY

## CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

F P P C  
MAR 26 9 14 AM '86



March 25, 1986

John Keplinger, Executive Director  
Attn: Staff Attorney  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
Sacramento, CA 95804

Subject: Advice Request for Madelyn Glickfeld

Dear Mr. Keplinger:

This is to request your advice as to potential conflicts of interest regarding Madelyn Glickfeld, who was appointed an alternative Coastal Commissioner to the California Coastal Commission on March 12, 1986.

Ms. Glickfeld is a professional planner and the principal in the consulting firm, "MJG Incorporated." Her firm is involved in two contracts, about which she would like your advice.

As indicated in the attached letter, MJG Incorporated has been retained by the State Coastal Conservancy to advise them on potential coastal restoration projects for areas along the coast which are subdivided but mostly or entirely undeveloped. The contract amount is \$25,000. Two specific subdivision restoration projects identified in the contract are Swanton Road in Santa Cruz County and Wavecrest in Half Moon Bay. The contract provides that MJG Incorporated will review other subdivision information, inventory potential coastal restoration projects, and perform a survey of restoration techniques for local government. MJG must also review draft program and guidelines, and develop two model projects.

As an alternate Commissioner, Ms. Glickfeld will sit and act in the capacity of a Coastal Commissioner when the principal appointee cannot attend a Commission meeting. Among the Commission's responsibilities is the review and approval of all coastal restoration projects the Conservancy proposes to undertake. Future projects to be reviewed by the Commission will include those developed as a consequence of MJG's work. The Commission also reviews coastal permits and local coastal programs (LCPs), which may have indirect or direct relevance to other projects undertaken by the California Coastal Conservancy. I have requested Coastal Conservancy, through its counsel Marcia Grimm, to respond to your requests for information regarding the Coastal Conservancy's contract with MJG and other Conservancy projects brought before the Coastal Commission.

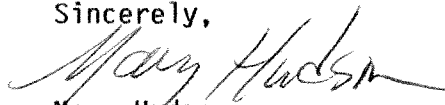
John Keplinger, Executive Director  
March 25, 1986  
Page 2

A second potential conflict concerns a proposed contract between MJG Incorporated and the County of San Luis Obispo involving the development of a transfer of development credit program for the Cambria/Lodge Hill area. The County's LCP includes policies already certified by the Coastal Commission requiring a transfer of development credit program to minimize the development in an environmentally sensitive Monterey pine forest. To implement these policies, the County will develop ordinances and implementation measures to transfer density off of the most sensitive parcels in that area. Although the County and MJG Incorporated have not yet formally entered into the contract, Ms. Glickfeld has received a letter of intent from County professional staff. The County is funding this implementation program through a grant of \$18,000 from the Coastal Commission. The Commission approved that grant in December of 1985. The County is seeking an additional \$15,000 from the State Coastal Conservancy to fund the work it believes necessary. I have enclosed a copy of the certified San Luis Obispo County land use plan including the policy regarding the Cambria/Lodge Hill area. At your request we will supply any additional information you may need to complete your analysis.

Based upon these facts, we request that you advise us as to what degree Ms. Glickfeld must make disclosures and/or disqualify herself from participating in the decisions of the California Coastal Commission?

We would very much appreciate your prompt response in order that Ms. Glickfeld may participate in the meeting of the Coastal Commission scheduled for April 8 through 11, 1986.

Sincerely,



Mary Hudson  
Acting Chief Counsel

Enclosure

cc: Madelyn Glickfeld  
Marcia Grimm  
Peter Douglas

**STANDARD AGREEMENT** — APPROVED BY THE ATTORNEY GENERAL

STATE OF CALIFORNIA  
STD. 2 (REV. 6/81)

CONTRACTOR  
 STATE AGENCY  
 DEPT. OF GEN. SER.  
 CONTROLLER  
DEC 16 1985  
STATE COASTAL CONSERVANCY  
OAKLAND, CALIF. NUMBER 85-024085-069-A

THIS AGREEMENT, made and entered into this 31st day of October, 1985, in the State of California, by and between State of California, through its duly elected or appointed qualified and acting

TITLE OF OFFICER ACTING FOR STATE: Executive Officer hereafter called the State, and  
AGENCY: State Coastal Conservancy  
hereafter called the Contractor. MJG Incorporated (CONTRACTOR I.D.# 85471)

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials, as follows:  
(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)

**SCOPE OF AGREEMENT**

Pursuant to its authority under Section 31200 et seq. of the Public Resources Code, the State Coastal Conservancy (hereafter called the "Conservancy") hereby **AGREES** TO PAY ~~grants~~ to MJG Incorporated (hereafter called the "Contractor") a sum not to exceed twenty-five thousand dollars (\$25,000). The funds are to be used to develop at least two model projects which demonstrate alternative methods of implementing the Conservancy's coastal restoration mandate, to complete an inventory and ranking of potential coastal restoration projects, and to recommend new and improved approaches for redesigning antiquated subdivisions on the California coast.

The Contractor shall perform the following tasks:

(continued next page)

The provisions on the reverse side hereof constitute a part of this agreement. IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA	CONTRACTOR
AGENCY <u>State Coastal Conservancy</u>	CONTRACTOR (IF OTHER THAN AN INDIVIDUAL, STATE WHETHER A CORPORATION, PARTNERSHIP, ETC.) <u>MJG Incorporated</u>
BY (AUTHORIZED SIGNATURE) <i>[Signature]</i>	BY (AUTHORIZED SIGNATURE) <i>[Signature]</i>
TITLE <u>Executive Officer</u>	TITLE <u>President, MJG Inc</u>
CONTINUED ON <u>    </u> SHEETS, EACH BEARING NAME OF CONTRACTOR	ADDRESS <u>21132 Las Flores Mesa Dr. Malibu, Ca 90265</u>

Department of General Services (Use Only)  Department of General Services <b>APPROVED</b> JAN 6 1986  BY <i>[Signature]</i> Asst. Chief Counsel	AMOUNT ENCUMBERED \$ <u>25,000.00</u>	PROGRAM/CATEGORY (CODE AND TITLE) <u>Support</u>	FUND TITLE <u>Conservancy Fund</u>	
	UNENCUMBERED BALANCE \$	(OPTIONAL USE) <u>Pre-project Feasibility</u>		
	ADJ. INCREASING ENCUMBRANCE \$	ITEM <u>3760-001-565; (c)</u>	CHARTER <u>111</u>	STATUTE <u>1985</u>
	ADJ. DECREASING ENCUMBRANCE \$	OBJECT OF EXPENDITURE (CODE AND TITLE) <u>Coastal Restoration Project Assistance</u>	FISCAL YEAR <u>85/86</u>	
	I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER <i>[Signature]</i>		DATE <u>10-31-85</u>		
SIGNATURE OF OFFICER SIGNING ON BEHALF OF THE AGENCY <i>[Signature]</i>		DATE <u>11/22/85</u>		

I hereby certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document is exempt from review by the Department of Finance.

SCOPE OF AGREEMENT (continued)

TASK 1: SWANTON ROAD PROGRAM

- 1.1 Assist Conservancy staff in necessary technical analysis.
- 1.2 Train and assist local government, non-governmental project proponents and landowners to implement the project.

TASK 2: WAVECREST PROGRAM

- 2.1 Participate in one strategy meeting to review existing information and the City of Half Moon Bay's implementation grant proposal.
- 2.2 Evaluate the feasibility of several alternative implementation techniques to achieve the objectives of the Wavecrest Restoration Plan.
- 2.3 Advise Conservancy staff as needed concerning ways to rapidly and successfully implement the restoration project.

TASK 3: COASTAL RESTORATION PROJECT INVENTORY

- 3.1 Computerize existing information on subdivisions.
- 3.2 Add information to the data base, as it is developed, on new subdivisions during the term of this agreement, to complete the inventory of potential restoration projects.
- 3.3 Develop and analyze a survey of local government to identify antiquated subdivisions.
- 3.4 Assist Conservancy staff in reviewing program guidelines and project priority criteria.

TASK 4: OTHER MODEL PROJECTS

- 4.1 Prepare preliminary analyses or draft staff reports on at least two other Conservancy coastal restoration projects at the direction of the Executive Officer. Prepare preliminary analysis or draft reports on additional Conservancy Coastal restoration projects at the direction of the Executive Officer to the extent possible within the budget of the "Cost and Disbursement" section of this Agreement.

TASK 5: REPORT OF RECOMMENDATIONS

- 5.1 Compile a report of Conservancy antiquated subdivision case studies, document project costs, and assess advantages/disadvantages of selected implementation techniques.

SCOPE OF AGREEMENT (continued)

Task 5: REPORT OF RECOMMENDATION (continued)

5.2 Identify a working group of antiquated subdivision experts and interest groups to review and comment on report.

5.3 Ask the working group to to review working papers on new approaches for the Conservancy to take in the future for antiquated subdivision projects.

COORDINATION AND MEETINGS

The Contractor shall work with staff of the Conservancy, the County and other involved entities, and shall participate in meetings and telephone communications as detailed above in the SCOPE OF AGREEMENT. In addition, the Contractor shall participate in additional informal meetings and communications as necessary to insure close coordination of the work, within the time commitment provided by the budget in the "Cost and Disbursement" section of this Agreement.

WORK PRODUCTS

The Contractor shall submit all work products detailed below for the review and approval of the Executive Officer of the Conservancy (hereinafter the "Executive Officer").

The work products shall include:

- Task 1.1 Swanton Road technical analysis memoranda
- Task 2.2 Wavecrest subdivision implementation recommendation
- Task 2.3 Wavecrest subdivision expert advise memos
- Task 3.1 Computerized subdivision information
- Task 3.2 Completed inventory of potential coastal restoration projects
- Task 3.3 Local Government survey
- Task 3.4 Review of draft program guidelines and criteria

**WORK PRODUCTS** (continued)

- Task 4.1 Model Project I: Preliminary analysis or staff recommendation
- Task 4.2 Model Project II: Preliminary analysis or staff recommendation
- Task 4.3 Additional Model Project analysis or recommendations
- Task 5.1 Final report of recommendations

Upon submission, all work products shall become the sole property of the Conservancy.

**APPROVALS**

No work shall commence under this Agreement until all necessary approvals have been obtained from the Department of General Services, Legal Division. The Project Coordinator for the Conservancy shall notify the contractor in writing when work may begin. The work schedule cannot be determined precisely in advance. The Contractor and Conservancy staff shall at all times strive to complete work, or facilitate completion of work, under this Agreement without delay.

**COST AND DISBURSEMENT**

As compensation for the services rendered, and upon the Executive Officer's determination of satisfactory completion of tasks set forth in the "SCOPE OF AGREEMENT", and review of the products set forth in the "Work Products" section, the Conservancy agrees to pay the Contractor a sum not to exceed twenty-five thousand (\$25,000). Upon completion of "Conditions Precedent to Payment" above, Contractor shall submit invoices for work completed under tasks 1.1 - 5.3 as costs are incurred, and work products are completed. Billings should conform to the following budget:

<u>Budget Item</u>	<u>Rate</u>	<u>Amount</u>
Service of Principal 290 hrs. @	\$50/hr.	\$14,500
Subcontractors:		
<i>RJ</i> 160 hrs <i>MS</i> 300 hrs. @	\$15/hr.	2,400
24 hrs. @ \$75-100/hr.		2,100
Expenses		6,000
	<u>TOTAL:</u>	<u>\$25,000</u>

**COST AND DISBURSEMENT** (continued)

The allocation of the total budget amount among the various categories as shown above may vary by as much as ten percent (10%) without approval of the Executive Officer. Any difference in the allocation among categories of over ten percent must be approved in writing by the Executive Officer. The total amount of this Agreement may not be increased except by amendment to this Agreement, and any increase in the funding for any particular category shall mean a decrease in the funding for one or more other categories unless there is an amendment to this Agreement.

Disbursements shall be made on the basis of costs incurred up to the total amount allocated in the budget. If payment is not made within sixty (60) days of receipt of a complete invoice, the Contractor shall be entitled to interest on any such delinquent payment at the rate of six percent (6%) per annum.

Expenses allowable under this contract may include, but are not limited to: (1) postage, (2) computer costs, (3) reproduction costs, (4) telephone charges, and (5) necessary travel expenses at actual costs not to exceed the rates provided in Title 2, Division 2, Chapter 1, Article 8 of the California Administrative Code. The Contractor's designated headquarters for purposes of computing such expenses is Malibu, CA; the designated headquarters of subcontractors shall be identified in writing before funds are disbursed to pay their expenses.

The Contractor shall submit invoices as work products are completed. Each invoice shall include the number of this Agreement, the name, address and authorized signature of the Contractor, the date of the submittal, the amount of the invoice, the period during which the work was actually done, and an itemized description of all work done for which disbursement is requested including time, materials, expenses incurred, work products completed, and services rendered, and shall include supporting documentation (billings by legal advisors, real estate consultants and subcontractors).

**TERM OF AGREEMENT**

The term of this Agreement shall run from receipt of the notice of approval from the Department of General Services to December 31, 1986 (hereinafter the "Completion Date"), unless otherwise terminated or amended.

Prior to the Completion Date, either party may terminate this Agreement for any reason by providing the other party with thirty (30) days notice in writing. In the event of termination by the Conservancy prior to the Completion Date, the Contractor agrees to take all reasonable measures to prevent further costs to the Conservancy under this Agreement, and the Conservancy shall be responsible for any reasonable and non-cancellable obligations incurred by the Contractor in the performance of the Agreement until the date of the notice to terminate, but only up to the undisbursed balance of funding authorized in this Agreement.

**TERM OF AGREEMENT** (continued)

In the event that the Contractor terminates this Agreement prior to the Completion Date, or fails to complete the project in accordance with this Agreement, the Contractor shall be liable for repayment to the Conservancy of all amounts disbursed by the Conservancy under this Agreement. The Conservancy may, at its sole discretion, consider extenuating circumstances and not require repayment for work partially completed.

**AUDITS/ACCOUNTS/RECORDS**

The Contractor shall maintain satisfactory financial accounts, documents, and records of Services rendered under this Agreement, and shall make them available to Conservancy staff for auditing and inspection at reasonable time and intervals. Such accounts, documents, and records shall be retained by the Contractor for three years following the date of final disbursement under this Agreement, and shall be subject to examination and audit of the Auditor General during this period. The Contractor may use any generally accepted accounting system, provided such system meets minimum requirements established by the State of California.

**NONDISCRIMINATION**

During the performance of this Agreement, the Contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental condition, marital status, age or sex. The Contractor and its subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. The Contractor and its subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12900 et seq., set forth in Chapter 5 of Division 4 of title 2 of the California Administrative Code, are incorporated into this contract by reference and made a part hereof as if set forth in full. The Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. This nondiscrimination clause shall be included in all subcontracts entered into by the Contractor to perform work provided for under this Agreement.

### COORDINATOR

All actions and approvals required to be taken by the Conservancy under this agreement shall be taken by the Executive Officer of the Conservancy or his designee. Don Coppock is designated the Conservancy's Project Coordinator and shall be consulted regarding any problems or questions which may arise concerning the implementation of this agreement.

### INDEPENDENT CONTRACTOR STATUS

The Contractor shall maintain its status as in Independent Contractor as defined in Section 3353 of the California Labor Code. To this end, the Contractor shall be under the control of the State, acting through its agent, the Conservancy, but only as to the results of its work and not as to the means by which the results are accomplished.

### NATIONAL LABOR RELATIONS BOARD

By signing this Agreement, Contractor swears under penalty of perjury that, during the two-year period immediately preceding the date of the Agreement, no more than one, final unappealable finding of contempt of court has been issued against the Contractor for failure to comply with an order of the National Labor Relations Board.

### SETTLEMENT OF DISPUTES

In the event of any dispute arising out of this Agreement, Contractor shall file a "Notice of Dispute" with the Executive Officer within ten (10) days of discovery of the problem. Within ten (10) days of such notification, the Executive Officer shall meet with the Contractor and Conservancy Project Coordinator for the purpose of resolving the dispute. If the Executive Officer is unable to resolve the dispute to the Contractor's satisfaction, Contractor may proceed to process any claims arising therefrom against the Conservancy pursuant to Government Code Sections 900 et seq.

#### **CONTRACTOR IDENTIFICATION AND EVALUATION**

Within thirty (30) days of completion of the final task described in the "Scope of Agreement", the Contractor shall be evaluated by the Conservancy's Project Coordinator. Until this evaluation of the Contractor's performance is completed, the Contractor's final invoice shall not be paid. Upon completion of the evaluation, the Conservancy shall pay the remaining amount owed under this Agreement. The evaluation shall be kept with the contract records at the Conservancy and a copy shall be sent to the Department of General Services, Legal Office. The evaluation shall be made available to the Contractor upon request.

#### **INCORPORATION OF EXHIBITS TO THIS AGREEMENT**

The attachments to this Agreement, entitled "List of Assurances (Exhibit 1), and "Indemnification and Standard Provisions" (Exhibit 2), describe additional rights and responsibilities of the Conservancy and the Contractor arising out of this Agreement. Each of these Exhibits is an integral part of this Agreement, and each is incorporated herein by this reference.

#### **RESOLUTION**

The signature of the Executive Officer on this Agreement certifies that at its October 30, 1985 meeting, the Conservancy authorized expenditure for the development of model TDC projects, the completion of an antiquated subdivision inventory and the preparation of a report of recommendations.

This agreement is deemed to be entered into in the County of Alameda.

EXHIBIT 1

LIST OF ASSURANCES

The applicant hereby assures and certifies that it will comply with Conservancy regulations, policies, guidelines and requirements as they relate to the acceptance and use of Conservancy funds for this project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that where appropriate, a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will have sufficient funds available to meet its own share of the cost for projects. Sufficient funds will be available when the project is completed to assure the effective operation and maintenance of the facility for the purposes constructed.
3. It holds sufficient title or interest in the property to enable it to undertake lawful development and construction of the project. In the case where the Grantee is acquiring an interest in the property as a part of the project development such title documentaiton shall be reviewed by the Executive Officer of the Conservancy.
4. It will not dispose of or encumber its title or other interests in the site and facilities except as permitted by the Conservancy.
5. It will give the Conservancy, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
6. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Conservancy that funds have been approved and that the project will be carried to completion with reasonable diligence.
7. It will, where appropriate, comply with the requirements of the State's Braithwaite Act (Chapter 1574, Statutes of 1971 and related statutes), which provides for fair and equitable treatment of displaced persons.
8. It will, where appropriate, comply with the requirements of the California Environmental Quality Act.
9. It will comply with all requirements imposed by the Conservancy concerning special provisions of law, and program requirements.

## EXHIBIT 2

### INDEMNIFICATION AND STANDARD PROVISIONS

1. The Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this contract.
2. The Contractor, and the agents and employees of the Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State of California.
3. The State may terminate this Agreement and be relieved of the payment of any consideration to the Contractor should the Contractor fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. The cost to the State shall be deducted from any sum due the Contractor under this Agreement, and the balance, if any, shall be paid the Contractor upon demand.
4. Without the written consent of the State, this Agreement is not assignable by the Contractor either in whole or in part.
5. Time is the essence of this Agreement.
6. No alteration or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
7. The consideration to be paid the Contractor, as provided herein, shall be in compensation for all of the Contractor's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.



# San Luis Obispo County Planning Department

County Government Center  
San Luis Obispo  
California 93408  
(805) 549-5600

Paul C. Crawford, AICP  
Planning Director

February 7, 1986

Peter Grenell, Executive Director  
California Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, California 94611

Dear Mr. Grenell:

SUBJECT: FUNDING CONSIDERATIONS FOR CAMBRIA-LODGE HILL TDC PROGRAM

The transfer of development credits program for the Cambria-Lodge Hill Program is at a critical stage. The Local Coastal Plan has been amended to enable such a program, the Restoration Plan has been completed and conceptually approved by the county, and a number of public meetings have been held. The final stage involves implementing the program with final economic, legal analysis, and ordinance preparation. The program has excellent public acceptance to date, mostly due to the expertise of the Coastal Conservancy and your consultants in seeking good citizen participation.

Since the TDC program is mandatory upon the county, and the Coastal Commission played a large role in requiring it, we felt it was appropriate to request funding from the commission for implementation work. We first estimated the county and consultant costs to be approximately \$42,000, but reduced it to approximately \$33,000 to gain Coastal Commission staff support. This was the minimum amount necessary to take the program to the start-up phase.

The Coastal Commission heard the grant request on December 17, 1985, and to our surprise, voted against the recommendation of their staff and reduced our \$33,000 request by approximately \$15,000. While the county is in the process of securing the \$18,000 grant, the program will be substantially delayed if other funding is not secured.

We have reviewed the county's alternatives and have come to the conclusion that unless we secure the additional \$15,000 funding, there will be a substantial delay in the program. Secondary effects will also be

Peter Grenell, Executive Director  
February 7, 1986  
Page 2

significant since momentum is extremely important for the program development, and a delay on behalf of the county will also effect upcoming actions planned by your agency (land acquisition) and the SLO County Land Conservancy.

We are seeking \$15,000 in funding for the tasks that the Coastal Commission cut. I have asked MJG Inc. to detail specific tasks, purpose and costs, of these portions of our work program that need funding. their letter is attached.

The county would appreciate any comments that the conservancy has on our situation and would ask that you consider our request for funding.

We would like to take this opportunity to thank the conservancy for the excellent work done to date on the Cambrian/Lodge Hill TDC Program, Should you have any questions about this request, don't hesitate to contact me.

Sincerely,



JOHN HOFSCHEUER  
Associate Planner  
Local Coastal Plan Coordinator

c: John Ashbaugh, SLO Land  
Conservancy  
Madeline Glickfield

JH/drt/2203L



# San Luis Obispo County Planning Department

County Government Center  
San Luis Obispo  
California 93408  
(805) 549-5600

Paul C. Crawford, AICP  
Planning Director

July 19, 1985

Mr. Bill Van Beckum  
California Coastal Commission  
631 Howard Street  
San Francisco, CA 94105

Re: Transfer of Development Credits Program Grant Submittal

Dear Mr. Van Beckum:

Please accept the attached applications, work program and resolution as grant request from San Luis Obispo County. The grant is necessary to fund critical portions of the Transfer of Development Credits Program required as part of our certified Land Use Plan.

Should you have any questions or if there is any additional information we may provide, don't hesitate to contact me.

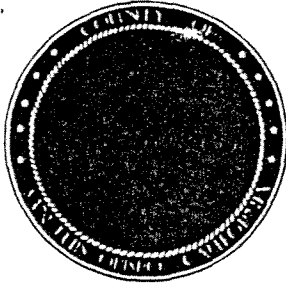
Sincerely,

A handwritten signature in black ink, appearing to read "John Hofschroer", is written over the typed name.

JOHN HOFSCHROER  
Coastal Section

cc: John Ashbaugh  
Don Coppock  
Madaline Glickfield

JH/jm/5997k



# San Luis Obispo County Planning Department

County Government Center  
San Luis Obispo  
California 93408  
(805) 549-5600

Paul C. Crawford, AICP  
Planning Director

DATE: JUNE 10, 1985

TO: BOARD OF SUPERVISORS

FROM: JOHN HOFSCROER, COASTAL SECTION  
VIA: PAUL CRAWFORD, PLANNING DIRECTOR

SUBJECT: SUBMITTAL OF PROPOSED GRANT FOR TRANSFER OF DEVELOPMENT CREDIT PROGRAM, CAMBRIA-LODGE HILL AREA

## SUMMARY

The Transfer of Development Credits Program for the community of Cambria is at an important stage in its development. The attached grant request to the Coastal Commission will fund necessary economic analysis and ordinance preparation. Approval by your board is a necessary step in securing grant monies from the Coastal Commission.

## RECOMMENDATION

Adopt and instruct the Chairman to sign the attached resolution and instruct staff to complete the necessary actions to secure the grant.

## DISCUSSION

The county and the State Coastal Commission spent several years resolving the very difficult issues of the Cambria/Lodge Hill area. The area has special characteristics: steep terrain, a rare pine forest and is overlaid by a substandard lot subdivision of more than 5,100 lots. With less than 20% of the subdivision developed, there appeared to be a unique opportunity to preserve the endangered pine forest.

The plan for Lodge Hill has been recently certified and reflects compromises by both the County and the Coastal Commission. The ultimate solution rests with a number of regulations restricting building size and a commitment by the County to establish an erosion control program and Transfer of Development Credits Program.

The objective of the Transfer of Development Credits Program is to reduce potential buildout in sensitive areas and transfer the density to other less-sensitive areas. The County agreed to work with the State Coastal Conservancy to establish a pilot program to accomplish this goal. The Transfer of Development Credits Program (TDC) continues to be a significant

BOARD OF SUPERVISORS  
JUNE 5, 1985  
PAGE 2

part of the efforts to minimize impacts on the pine forest from the ultimate buildout of the subdivision.

Since certification of the Cambria/Lodge Hill Plan, there have been a number of efforts to develop the TDC Program. A local land conservancy has been formed and some funding has been obtained from the State Coastal Conservancy for preliminary studies. The County is working very closely with the State Coastal Conservancy and the San Luis Obispo Land Conservancy in developing a realistic program.

The TDC Program is at an important stage in its development. Without funding for essential studies, economic analysis and ordinance preparation, the program could suffer major delay. We have received information that some grant funding may be available this summer.

Attached is a proposed work program that covers upcoming work. We intend to request that the State Coastal Commission approve a grant for the amount requested.

JH/hf/38671

11/80

LOCAL COASTAL PROGRAM

BUDGET ALLOCATION

Grant Applicant: SAN LUIS OBISPO COUNTY (PLANNING DEPARTMENT)

Address: COUNTY GOVERNMENT CENTER

SAN LUIS OBISPO, CA Zip Code: 93408

Project Title: PHASE III GRANT REQUEST

Grant Amount Requested: \$ 33,134 Grant Period: 7/85 - 7/86

	<u>Current Grant Request*</u>
Personal Services	
Salaries and Wages	<u>\$5,964.00</u>
Benefits (43.2%)	<u>                    </u>
Total Personal Services	<u>\$ 5,964.00</u>
Operating Expenses	
Travel	<u>                    </u>
Professional and Consultant Services	<u>27,170.00</u>
Indirect Charges (see over) (27.6%)	<u>                    </u>
Other (Itemize, use separate sheet if required)	
office supplies	<u>                    </u>
postage	<u>                    </u>
printing of reports	<u>                    </u>
	<u>                    </u>
	<u>                    </u>
(if an overhead rate is charged, provide basis and breakdown)	
Total Operating Expenses	<u>\$ 27,170.00</u>
Total Budget	<u>\$ 33,134.00</u>

\*Please round off all budget amounts to the nearest dollar.

LOCAL COASTAL PROGRAM  
APPLICATION FOR FUNDING  
TOTAL WORK PROGRAM

Name of Applicant: SAN LUIS OBISPO COUNTY (PLANNING DEPARTMENT)

Project Director: JOHN HOESCHROER Title: ASSOCIATE PLANNER

Address: COUNTY GOVERNMENT CENTER,  
SAN LUIS OBISPO, CALIFORNIA 93401 Phone: (805) 549-5600

Fiscal Officer: STELLA STALLINGS Title: ACCOUNT TECHNICIAN

Address: SAME AS ABOVE  
Phone: SAME AS ABOVE

District(s): Congressional: 20th State Senate: 14th State Assembly: 29th

Months Required to Complete Total Work Program: 12

Total Cost of Program: \$ 33,134 Grant Requested \$ 33,134 for Grant Period: 7/85 to 7/86

List the Dates of Adoption or Status of Your General Plan Elements:

Land Use	Circulation	Housing	Open Soace	Conservation	Noise	Seismic Safety	Safety	Scenic Highway
ALL ELEMENTS ARE UP TO DATE. HOUSING UNDER CONSIDERATION FOR REV.								

- 1. Resolution authorizing grant application \*
- 2. Application form
- 3. Total Work Program (New)
- 4. Products and Other Milestones Description
- 5. Budget
- 6. Statement of Assurances
- 7. Clearinghouse Form (submit CA 189 or 424 to Area Clearinghouse and copy of form to Coastal Commission for submission to State Clearinghouse for initial Phase II grants only. Check with your local area clearinghouse for Phase III grant submittal. Transmit verification of clearinghouse review when complete.)

Submit two (2) copies of completed application to Coastal Commission; one copy must bear original signatures on items 1, 2 and 6 above. Submit one copy each to the regional and state commission offices.

JOHN HOESCHROER  
Authorized Official  
*Stella Stallings*  
Signature  
June 1, 1985  
Date

extra

TRANSFER OF DEVELOPMENT CREDIT  
WORK PROGRAM AND COST ESTIMATES

A. GRANT REQUEST AGAINST PHASE III FUNDS

Work program for development of a Transfer of Development Credits Program and Implementing Ordinances.

		STAFF TIME/COST				
TASK 101 GRANT ADMINISTRATION		MJG	NLD	LB	CONSULT TOTAL	COUNTY
101.1	Support to Coastal Conservancy Grant: Base info support					321
101.2	County staff attendance at meetings					370
101.3	Supplement to Coastal Conservancy to cover MJG augmentation.					
TASK 102 ORDINANCE DEVELOPMENT					CONSULT TOTAL	COUNTY
102.1	Develop final receiving areas and establish final exchange	\$1,600	6,800	\$350	\$8,750	
102.2	Clarify functions of LUP and LCP Ordinances and insure consistency.	400			400	\$ 86
102.3	Review all related public policy and regulatory documents that could affect TDC	800			800	183
102.4	Review of Disincentives: make recommendations to remove them and assist county staff in implementing them.	400		\$500	900	86
102.5	Develop of draft TDC Ordinance.	2,000		5,120	7,120	
102.6	Develop of draft amendments needed to existing county general plan and ordinances to insure consistency. (a) All applicable General Plan Elements, LUE, LCP (b) Land Use Ordinance (LUO) (c) County Code.	200		100	300	1200

STAFF TIME/COST

	MJC	LB	TOTAL CONSULT	COUNTY
102.7 Legal Counsel/Planning Dept. review of above				2,086
102.8 Present drafts to staff; make changes as required	1,000		1,000	
PUBLIC MEETINGS AND TASK 103 REQUIRED PUBLIC HEARINGS				
103.1 Present draft Ordinances to Citizens, landowner groups, Coastal Conservancy, SLO Land Conservancy (2 meetings).	600		600	439
103.2 Present TDR Ordinance and Board of Supervisors for approval (2 meetings).	600		600	354
103.3 Present LUE, LUO or other necessary related amendments to the Planning Commission and Board of Supervisors (2 meetings)				439
103.4 Present applicable amendments and TDR ordinance to Coastal Commission; make changes where necessary (2 meetings).	1,500		1,500	400
103.5 Prepare model legal documents including a Conservation Easement Agreement and a Deed of Transferable Development Rights.	600	1,600	2,200	
	TOTAL CONSULTANT		\$27,170	
	TOTAL COUNTY			\$5,964
	GRAND TOTAL		<u>\$33,134</u>	

\*\* Indirect Consultant Costs

Travel	\$1,200
Copy	400
Telephone	400
(Over 6 months)	
Word Processing	800
Other Mail	200
Total	<u>\$3,000</u>

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

...Tues day ..... July 2 ..... 19...85

PRESENT: Supervisors Jerry Diefenderfer, Evelyn Delany, Ruth Brackett,  
Carl Hysen and Chairman William B. Coy

ABSENT: None

RESOLUTION NO. 85- 317

RESOLUTION RELATIVE TO COASTAL ZONE MANAGEMENT  
PLANNING ASSISTANCE

The following Resolution is now offered and read:

WHEREAS, the San Luis Obispo County Board of Supervisors recognizing the problems and issues identified in the attached application for Coastal Zone Management Grant desires to provide for a planning study contributing to improved coastal planning, decision making, and management capability related to community development and growth; and

WHEREAS, the San Luis Obispo County Board of Supervisors has developed a Local Coastal Program to deal with these development problems and issues; and

WHEREAS, certain provisions of the Public Resources Code of the State of California provide for planning and financial assistance for such a program;

NOW, THEREFORE, BE IT RESOLVED that the San Luis Obispo County Board of Supervisors hereby requests the Coastal Commission to provide planning and financial assistance under the authority of the Public Resources Code of the State of California, not to exceed the amount of \$33,134. Such planning assistance is more particularly described in a project description that is attached hereto and made a part of this resolution as if fully set forth herein.

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and empowered to execute in the name of San Luis Obispo County all necessary applications, contracts, and agreements and amendments hereto to implement and carry out the purposes specified in this resolution.

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

AYES: Supervisors Delany, Hysen, Diefenderfer, Brackett,  
Chairman Coy  
NOES: None  
ABSENT: None  
ABSTAINING: None

the foregoing resolution is hereby adopted.

WILLIAM B. COY

Chairman of the Board of Supervisors

ATTEST:

FRANCIS M. COONEY

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: *Adyatt CE*  
Deputy County Counsel

Dated: June 14, 1985

2848e

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO; 85

I, FRANCIS M. COONEY, County Clerk of the above  
entitled County, and Ex-Officio 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 17<sup>th</sup> day of July  
19 85.

FRANCIS M. COONEY  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors

By *Vicci M. Delgado*  
Deputy Clerk

State of California. George Deukmejian, Governor

California Coastal Commission  
SOUTH CENTRAL COAST DISTRICT  
735 State Street. (805) 963-6871  
Balboa Building, Suite 232  
Santa Barbara. CA 93101

PROPOSED REVISED FINDINGS

December 20, 1984

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR; EDWARD BROWN AND DAN RAY,  
DISTRICT DIRECTOR AND COASTAL PROGRAM ANALYST III, SOUTH CENTRAL COAST  
AREA; JACK LIEBSTER AND MARGARET MACLEOD, LCP STAFF PLANNERS

SUBJECT: PUBLIC HEARING AND POSSIBLE ACTION ON THE RESUBMITTED LOCAL COASTAL  
PROGRAM/LAND USE PLAN FOR CAMBRIA/LODGE HILL (SAN LUIS OBISPO COUNTY).  
REVISED FINDINGS SCHEDULED FOR THE JANUARY 8-11, 1985, 9:00 A.M.: HOLIDAY  
INN -- LAX, LOS ANGELES

---

SYNOPSIS

SUMMARY

Lodge Hill's problems of erosion, forest preservation, scenic protection, habitat maintenance and adequate public services are all interrelated. Solving the problems depends on the adoption of a program to manage development of the area's substandard lots. The basic Lodge Hill lot is so small (1750 sq.ft.) that even three lots combined do not equal a standard sized residential lot. The County generally proposes to continue a system of lot coverage and Gross Structural Area (GSA) controls similar to those in the Commission's Interpretive Guidelines, which have controlled development in recent years. To control water run-off and erosion/sedimentation generated from development, the County has included in the resubmittal an areawide erosion control program as well as requiring the installation of site specific erosion control measures. Moreover, to reduce full build-out and to decrease public service demands, the County has included a voluntary Transfer of Development Credit (TDC) program. With implementation of these development controls, the adverse effects on coastal resources will be mitigated.

On November 28, 1984, the Commission certified the Cambria/Lodge Hill resubmittal of the Land Use Plan as submitted by the County of San Luis Obispo. The staff recommends adoption of the attached findings in support of the Commission's action.

For further information regarding the resubmittal and the staff recommendation, please contact Margaret Macleod at (805) 963-6871 or Jack Liebster (415) 543-8555.

---

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION TO CERTIFY

- A. MOTION #1: I move that the Commission certify the Land Use Plan for the Cambria/Lodge Hill portion of the County of San Luis Obispo as resubmitted.
- B. STAFF RECOMMENDATION: Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.
- C. Commissioners voting: Yes: Hisserich, MacElvaine, Gotch, McEnnis, McMurray, McNeil, Shipp, Wornum, Wright, Nutter. No: None. Abstain: Bellerue.
- D. RESOLUTION TO CERTIFY: The Commission hereby certifies the resubmitted Cambria/Lodge Hill Land Use Plan of the County of San Luis Obispo and finds for the reasons discussed below that the resubmitted Land Use Plan meets the requirements of and is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; that the resubmitted Land Use Plan contains a specific access component as required by Section 30500(a) of the Coastal Act; that the resubmitted Land Use Plan is consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c) of the Coastal Act; and that the certification of the resubmitted Land Use Plan meets the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there are no further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse impacts on the environments.

II. FINDINGS FOR APPROVAL AS RESUBMITTED

A. ENVIRONMENTALLY SENSITIVE HABITATS AND BIOLOGICAL PRODUCTIVITY

PRC Section 30240 requires that (a) environmentally sensitive habitat be protected against significant habitat disruption and only resource dependent uses be allowed in such areas and (b) adjacent development be sited and designed to prevent habitat impacts.

PRC Section 30231 requires that "the biological productivity of coastal waters, streams, and wetlands shall be maintained and, where feasible, restored through among other means...controlling run-off..."

PRC Section 30250 requires that "new development shall be located...where it will not have significant adverse effects, either individually or cumulatively on coastal resources..."

PRC Section 30253 requires that "new development shall...neither create nor contribute significantly to erosion..."

These policies govern new development located in the Monterey Pine Forest and Santa Rosa Creek environmentally sensitive habitats areas of Lodge Hill. The actions needed to protect these resources are discussed below.

### Monterey Pine Forest

The Monterey Pine Forest of Lodge Hill is significant for both its habitat values and its rarity. However, it has been previously subdivided into several thousand small residential lots accompanied with public services. Most of Lodge Hill, (including East and West Lodge Hill and Top of the World Subareas) is covered by a forest consisting of Monterey Pine (Pinus Radiata) mixed with some coast live oak (Quercus Agrifolia). Although planted in other areas of the State as a landscape tree, the Monterey Pine survives naturally in only three stands in the world, one near Ano Nuevo Point in San Mateo County, one at Monterey, and the one at Cambria, which marks the southern limit of the Monterey Pine range (Envicom, 1984 p. V.26, G-5).

The Cambria stand consists of two major groupings at Cambria and at Pico Creek, with small outliers. The smaller northern grove at Pico Creek encompasses 500 acres. The main forest occupies between 2,500 to 3,000 acres. The subdivisions at Lodge Hill cover much of the larger forest.

The Monterey Pine is listed as "rare" by the California Native Plant Society. The rarity of these natural groves has enhanced the importance of preserving them as a source of genetic diversity (for example, growers from New Zealand regularly return to Monterey to collect seeds). The Cambria Pines differ significantly from other stands and taxonomists have sometimes recognized this stand as constituting a separate variety (P. radiata var. macrocarpa) because of the unusually large cones the trees in this stand bear. In addition to its intrinsic rarity value, the forest is critical as an agent of soil protection and erosion control.

The intact forest has over prehistoric time developed on highly erosive soils and has created a natural system of subsurface roots and surface cover which acts to bind the soil particles in place. As discussed in the following sections, this forests' value in soil protection and erosion control is critical to the protection of the anadromous fishery habitat of Santa Rosa Creek.

That the forest itself has high scenic value for both residents and travelers is without question. Vast stretches of open land surround Cambria, but most of the development that has occurred has been located almost exclusively within the forest, attesting to its inherent attractiveness. Indeed historic marketing of the area emphasized the forest environment, with slogans such as "Cambria Pines by the Sea". It is ironic that this development now threatens to destroy the very forest that attracted it.

The forest generally is mature and even aged. Historically a fire or other disturbance probably triggered a broad, rapid forest reproduction over a short period of time. Overall, the forest is dominated by mature trees with high canopy and tall, straight trunks. Most trees appear to be advanced in their normal life span. These trees reach full size in 80 to 100 years and few trees last more than 150 years. The trees reach heights of 120 feet when mature and may range from 24 to 48 inches in diameter (d.b.h.). The trees at Cambria are approximately 100 feet or more in height; the forest is thus aged with little regeneration evident due to the heavy duff and shading of the forest floor. Where light is available and soil is exposed, however, young trees are found vigorously growing.

At present, the trees within the forest are generally healthy although some insect attack primarily by the pine bark beetle has been noted at Cambria. The major health problem is attack by the gall rust Periderimum which causes galls on the tree. Attack of Pine Mistletoe Arceuthobium was also observed in the field. Occasional stands of coast live oak (Quercus agrifolia) are found invading the pine forest.

The Monterey Pine is a fire adapted species. In its natural state it requires periodic low intensity fires to stimulate the tree's cones to release their seeds, to clear away the understory exposing the soil to the seeds, and to return nutrients caught up in the understory to the soil as ash to fertilize the growth from the seeds. As development has moved into the area, fire has been excluded, interrupting the natural cycle of the forest, and weakening it. This has created a need for active management if the forest's important, rare, scenic, habitat and soil stabilizing values are to be maintained and protected.

### Santa Rosa Creek

Santa Rosa Creek lies at the base of the Lodge Hill forests and provides a home for a variety of wildlife in the Cambria area. It is critical habitat for anadromous steelhead trout as well as the three spined stickleback and prickly sculpin. The steelhead trout is one of the most important anadromous game fish in the State, but is experiencing a decline statewide resulting from degradation of spawning sites. Santa Rosa Creek is an important resource in this regard since it has been estimated to support a population of over 63,000 steelhead (Envicom, J-51). PRC Section 30231 specifically requires that such biological productivity be maintained and where feasible restored. However development of small lots on steep forested slopes in Cambria has increased sedimentation in Santa Rosa Creek (SLO Co. 1979, p. 44). Lodge Hill soils are characterized by the Nacimiento clayloam soil complex. This soil provides favorable conditions for the Monterey Pine forest, "whose development and limited disruption to the present have mitigated the severe surface erosion hazard characteristic of this soil-slope complex... However, with development and disruption of the pine forest, considerable surface erosion and accompanying sedimentation of surface streams could be expected. Steep slopes render these upland soils highly susceptible to erosion (Sanger, p. 12 emphasis added).

This excessive sedimentation adversely affects fish by reducing spawning areas and food availability. The transported sediment increases turbidity, reduces visibility, smothers eggs and deprives fry of necessary oxygen. There is a need to control such erosion and sedimentation by limiting the cumulative amount of development, by limiting disruption of the forest, and by providing specific on- and off-site erosion and sediment control mechanisms and techniques.

### LUP Consistency with Coastal Act Sensitive Habitats or Biological Productivity Requirements

The solution of the resource protection problems of Lodge Hill require a combination of effective on-site, off-site and areawide development controls. At the July 10, 1984 public hearing, the Commission certified, with suggested modifications, the County's resubmittal of the Lodge Hill segment of the LUP. In the suggested modifications, the Commission required the preparation of a Specific Plan either on an area-wide or block-by-block basis within the identified Special Program Area #1. Of the suggested modifications, the County, and the vast majority of the interested

public, vigorously opposed the implementation of the Specific Plan(s) as being too unwieldy and expensive to complete. The County, after several meetings, public forums and two public hearings, concluded that the same goal of protecting forest and in-stream resources could be accomplished with implementation of stricter development and erosion control measures in Lodge Hill, especially within Special Project Area #1.

The County, in response to the Commission's suggested modifications and public concerns, has adopted development standards that reduce structural footprint in both Special Project areas as well as on the small 25' wide, steep hillside (30% or greater) and forested lots. Additionally, property owners will be required to implement effective on-site drainage control measures as well as participating in the area-wide erosion control program that the County will be preparing. The County's resubmittal has not included in the development standards the 15%-30% slope lot category as had been included in the suggested modifications. According to the County, the 15%-30% slope lot category was superfluous. Approximately 90% (or  $\pm 855$  buildable parcels of Lodge Hill) is either forested or steep sloped (or both) and 10% of the remaining unforested land (or  $\pm 95$  buildable parcels) are either located in Special Project Area #2 or in the Marine Terrace area. Each area is subject to specific development standards. Therefore, very few, if any, lots would have been within the 15%-30% slope category.

Additionally in this resubmittal, the County has included a 10% increase or bonus of the footprint and gross structural area (GSA). The County feels that such a bonus will provide property owners design incentives that will result in the design of more environmentally sensitive structures. As submitted the criteria for determining whether a project proposal would qualify for the bonus are vague and subjective. In addition, the bonus program may decrease the public incentive for participating in the voluntary Transfer of Development Credit (TDC) program. In response to these concerns the County has stated that the bonus criteria would be fully outlined in the ordinance implementing the policy (Phase III) and that allowing the bonus would only result in a 2% increase of impervious surfacing on the parcel. The overall adverse environmental impact would be negligible and more environmental benefit (such as protecting existing trees) will be derived than lost.

In summary, the proposed LUP resubmittal for the Cambria/Lodge Hill segment provides effective development standards, including minimizing tree loss, mandatory tree replacement of native stock (if available) or from general Monterey Pine stock, on-site drainage plans, off-site or area-wide erosion control programs as well as providing incentives, including the structural area bonus and TDC programs, to encourage environmentally sensitive designs on parcels which will mitigate the cumulative adverse impacts of permitted development. With implementation of the County's program for Lodge Hill, the program is consistent with PRC Sections 30240, protection of environmentally sensitive habitats; 30231, maintenance of biological productivity; 30250, locating of new development, and 30253, prevention of erosion and sedimentation.

### B. SCENIC AND VISUAL RESOURCE PROTECTION

PRC Section 30251 requires that:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be

sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

The tall trunks and high canopy of the Monterey Pine forest give the Lodge Hill area its distinctive scenic character. The density of trees and rolling topography sloping toward the ocean creates a dense forest that, despite the development that has occurred, still affords travelers along Highway 1 a dramatic visual experience.

Two areas in particular are highly visible and most critical to protecting the views in this scenic coastal area as required by PRC Section 30251. These areas, generally located in and around the Special Project Areas proposed in the LUP, are especially visible by travelers on Highway 1. The more northerly area, Special Project Area 1, provides views into a deep, lush and relatively undisturbed scenic portion of the forest. Special Project Area 2, known as "Top of the World", is, as might be surmised from this name, visually prominent in the area. This Area 2 is a high slope of generally treeless open land visible from a long stretch of Highway 1.

The Coastal Act requires that the visual quality and scenic character of these areas be protected. The LUP has included policies to decrease the height of the structures within the Highway 1 visual corridor, provide design standards, and require vegetative screening in order to decrease the visual impact of development within the Highway 1 visual corridor. The LUP, as submitted, is therefore consistent with the visual resource policies of the Coastal Act.

### C. HAZARDS

PRC Section 30253 states that "New development shall minimize risks to life and property in areas of high...fire...hazard."

Before development of the area, fires were a natural part of the ecology of the Lodge Hill. The danger of fire is still great. The development of these substandard lots means that homes will be close together, potentially fueling fires that do start. This hazard is all the more serious because of the inadequate internal road system of Lodge Hill. Steep, narrow, often winding and rutted roads, laid out in a confusing pattern, reduce the response time of emergency vehicles.

The LUP includes an area-wide erosion-control program, including the requirement of payment of in-lieu fee, that will address erosion and sediment control for the Lodge Hill area. An additional benefit of the program is that it may provide the necessary methodology for improving streets and circulation. With street and circulation improvements, emergency response time will also be improved. Additionally, the County requires each property owner to be responsible for and to participate in the weed abatement program for their own property. Previously, with incorporation of the Specific Plan(s) in Special Project Area #1, 80% of the Special Project Area would have remained in open space, with no clear party or agency responsible for brush clearing or weed abatement. With this resubmittal, it is clearly the responsibility of each property owner to clear the dense scrub vegetation on the property, no Monterey Pine trees of any age are to be

removed without a coastal development permit which in turn decreases the possibility of fire hazard in the Lodge Hill area. Therefore, the LUP, as resubmitted, is consistent with PRC Section 30253.

D. PUBLIC SERVICES.

PRC Section 30250(a) requires that new development:

"...shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources..."

PRC Section 30254 states that:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the Coastal zone remain a scenic two-lane road...

Where existing or planned public works facilities can accommodate only a limited amount of new development, services and basic industries vital to the economic health of the region, state, or nation, public recreation and visitor-serving land uses shall not be precluded by other development.

Water and Sewer

Full development of the Lodge Hill area of Cambria clearly cannot meet the Coastal Act standard. The community of Cambria has water and sewer capacities sufficient only to serve approximately 5200 dwelling units (within the safe yield of its groundwater basin.) The Commission has already found that overdrafting that basin would have significant adverse effects. The potential buildout of Cambria has been variously estimated. It is known that there a total of 12,958 plotted lots in the entire Cambria area. The Commission used an estimate of 6300 already subdivided building sites in the CCSD permit (#428-10) and estimated a total of 8150 building sites when unsubdivided lands within the County's Urban Services Line (USL) are counted at the densities permitted by the County. These numbers significantly exceed the 5200 dwelling units that could be supported with existing supplies. The District is already using 60% of its capacity, and estimates that it can only accommodate approximately 12 years of growth at the current rate of 125 residential customers per year. The community does not have adequate services to supply development to serve all the lots in Lodge Hill without severely overcommitting its water supplies and sewage treatment capacity.

The resubmitted LUP has no specific policy to reduce development potential to the level allowed by available services. In the County's previous resubmittal of the LUP, the County had requested that the annual residential construction limit be 1250. The request is not part of this resubmittal. Such a request would be an

amendment to both the LUP and coastal development permit #428-10 (Cambria Community Services District) and cannot be addressed in the resubmittal for Cambria/Lodge Hill.

The County's Resource Management System (RMS) a component of the already certified Countywide LUP, would require a hearing when 80% of the service supply was committed. Such a system might be feasible in a situation of making choices about whether or not to approve new subdivisions. If new sources could not be made available within economic and environmental constraints, further subdivisions could simply be deferred. But in Cambria, where the subdivisions already exist, thousands of lots could face indefinite moratorium from development, or could create significant pressure for overdrafting groundwater supply. The Commission in its action on the County's full LUP, found that the potential for new water sources is at best unclear and could produce adverse effects:

Because...larger supply projects are long term expensive solutions to imminent service capacity needs, the extraction of groundwater and diversion of stream flows are an expedient short and long term method of meeting the water demands of new development. Consequently, everywhere in the County coastal zone groundwater extractions are increasing and numerous applications to the Water Resources Board are being made to divert stream flows for urban and agricultural uses. In many of these areas, extractions of groundwater are approaching the level of safe, or long term dependable yields. Continued groundwater extractions and stream diversions without adequate protection of instream uses and groundwater resources will result in serious degradation of water supplies quantity and biological productivity.

Moreover, the RMS is oriented towards 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. Under the RMS, the potential for over exploitation of natural resources resulting in environmental degradation is high and not limited by mandatory standards which would serve to protect the basic viability of the resources. Coastal resources such as streams, riparian systems, wetlands and agriculture are particularly vulnerable to degradation. As proposed, this system does not provide any protection for these resources and is not consistent with Coastal Act requirements. (Revised Findings, Oct 14 1983, p. 12,13).

In light of the uncertainty of future water supplies, it should be noted that even with implementation of the development standards and erosion control measures, the problem of providing adequate public services will not be solved. The reduction of potential development to meet existing available resources can really only be achieved by applying more rigorous development controls (such as requiring lot consolidation) throughout Lodge Hill and Cambria. Such strong controls would not be feasible nor acceptable to the County or the property owners of the community.

Even previous to the LCP planning process, the County acknowledged that there are insufficient public services to serve existing lots. The County implemented a lot consolidation ordinance where two adjacent lots owned by one owner(s) would be consolidated into one developable parcel. This effectively reduced demand on public services by approximately one-half. Also in recognition of the service constraints, the Commission, through coastal development permit #423-10, implemented a water allocation system for the currently available public services. Only 125 water and sewer permits are allocated per year for residential development throughout the community of Cambria. This effectively distributes, on an equitable basis the remaining public services until additional sources of water can be found. Moreover, the Cambria Community Services District can monitor water resources and correlate those resources to development demand thus ensuring that potential development will not exceed or adversely affect the available water resources. Thirdly, through the certified LUP, resource protection, combined with allocation of public services, will be achieved through the implementation of the Resource Management System.

In this resubmittal, inclusion of the voluntary Transfer of Development Credit (TDC) program will also reduce potential development through lot consolidation, consequently decreasing demand on public services. The County anticipates that there will be enough public involvement in the TDC program to reduce demand on the limited public services (water resources). The County anticipates that with ~~the~~ implementation of these regulatory measures for protection of resources, ~~the Resource-Management-System and TDC program,~~ potential development will not exceed available public services and that new development will not be permitted to exceed available water supply capacities. Therefore, the LUP as resubmitted, is consistent with PRC Section 30250.

### Highways and Roads

Highway capacity poses an equally important constraint on permissible development of the Lodge Hill area. The Coastal Act provides that where areas are not able to accommodate development, it should be located in other areas with adequate public services where it would not adversely affect coastal resources. It also states that where services are limited visitor serving uses should have priority over general residential use (PRC 30250). It also limits Highway 1 to a scenic two lane road in rural areas.

Present levels of service (LOS) on Highway 1 in the visitor season are at service level D, an unstable flow condition that is the second worst level of traffic congestion. This traffic congestion is combined with a relatively high accident rate at the intersections of Highway 1 at Windsor Boulevard and Burton Drive. If these two factors are taken together "the existing level of service of Highway 1 through Cambria during the peak summer months may be unacceptable" (Envicom, p. V-63).

Full buildout of the Lodge Hill area would exacerbate this situation. It is conservatively estimated that there are at least 6,300 building sites in the Cambria area, with perhaps more than 4,500 currently vacant. If these build out, more than 32,000 additional trips per day would be generated, including almost 2,300 at the peak hour at typical trip generation rates (Envicom, p. 33). Much of this traffic would travel on Highway 1 or cross it to get to the commercial area of Cambria, seriously congesting Highway 1 for significant parts of the year. The installation of traffic lights at critical intersections would reduce the effective capacity of

widen the Highway would increase, producing conflicts with protecting environmentally sensitive areas and preserving the scenic quality of the area.

The cumulative impact of buildout also extends to the internal road system of Lodge Hill itself. The roads of Lodge Hill are wholly and seriously inadequate to service potential buildout of the area. Increasing the levels of traffic on the many narrow, unpaved, unmarked, eroding roads with their poor sight distances will exacerbate the traffic safety and circulation problems. It has been suggested that collector roads, notably Burton Drive, would have to be widened to four lanes to accommodate increased levels of buildout (Envicom. p. V-70). Additionally, improvements to Highway 1 may be required to facilitate traffic circulation and safety within the Cambria urban area.

These necessary road improvements will be reviewed and required to be consistent with the resource policies of the County's Local Coastal Program and the Coastal Act, thereby ensuring that the improvements will not adversely affect streams, wetlands or coastal resources. In addition, because the level of development in Cambria is regulated on an annual basis (limited to 125 residential units/year), full buildout for the community and Lodge Hill is not anticipated to occur for many years. Full build-out cannot occur until there are sufficient public services provided for the community. Thus, circulation and roadway improvements can be coordinated with the level of development occurring within the community. It is also anticipated that with implementation of the TDC program, the level of development will be reduced which in turn will reduce traffic levels.

Therefore, through the resource protection policies of the LUP and with implementation of the TDC program (as discussed below), potential development levels will be curbed. The LUP resubmittal, as submitted, conforms to Sections 30250 and 30254 of the Coastal Act.

#### E. LOT DEVELOPMENT STANDARDS AND TRANSFER OF DEVELOPMENT

The LUP proposes a system of lot development standards, including size limits, setbacks, and performance standards, combined with a Transfer of Development Credits (TDC) program to resolve the "whitehole" of Lodge Hill (see Attachment A). As described in various sections above, the development standards and erosion control measures mitigate some of the adverse effects created by the cumulative impacts generated by full build-out of Lodge Hill. Methods to consolidate lots and transfer density credits are really the only way to effectively preserve the most sensitive and critical portions of the Lodge Hill Pine Forest and landform. The goals of the TDC program is to reduce potential build-out of Lodge Hill, to reduce demand on the limited public services and to transfer development to less environmentally sensitive areas. The TDC program proposed by the LUP would retire substandard lots in three ways:

1. Allowing owners of small and environmentally sensitive lots to increase their permitted coverage and gross structural area (GSA) by retiring other lot(s) (plus a water and sewer connection) through the TDC program.

2. Allowing the water hookups associated with such lots to be sold to developers presently outside the Services District but within the Urban Services Line in exchange for retiring the lot's development potential.
3. Allowing a combination of these features to effectively reduce the cost of retiring lots.

Additionally, the Coastal Conservancy will identify preservation areas where forest resources are most sensitive and can be best preserved.

Through implementation of this voluntary TDC program, it is anticipated that the objectives of the program (to decrease potential build-out, demand on public services and locate development in the least environmentally damaging areas) will be accomplished. The TDC program begins as a pilot program and after two-years, the program and its objectives will be reviewed. If it is determined that the program is not fulfilling its objectives, the County will have to develop alternative and possible more drastic planning solutions to achieve the same objectives. Any proposed alternatives or change, or deletion of the TDC program would be subject to Commission review and certification as it would constitute an amendment to the LUP.

Therefore, the resubmitted LUP, as submitted, is consistent with PRC Sections 30250, 30253 and 30254 due to the implementation of the Transfer of Development Credit program. The objectives of the program is to decrease the number of developable parcels which in turn would reduce demand on available public services and those objectives are fully consistent with the above referenced policies of the Coastal Act.

MJM/JL/rt

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

Tues day October 23 19 84

PRESENT: Supervisors Bill Coy, Kurt P. Kupper, Ruth Brackett, Jeff Jorgensen  
Chairman Jerry Diefenderfer

ABSENT: None

RECEIVED

OCT 30 1984

CALIFORNIA  
RESOLUTION NO. 84- 4 COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RESOLUTION RESUBMITTING THAT PORTION OF THE LOCAL COASTAL PLAN  
PERTAINING TO THE LODGE HILL AREA OF CAMBRIA

The following resolution is now offered and read:

WHEREAS, the San Luis Obispo County Board of Supervisors approved a Local Coastal Plan (Land Use Plan) on October 13, 1981, and originally submitted this plan to the California Coastal Commission on December 14, 1981; and

WHEREAS, the California Coastal Commission held hearings in February and April, 1982, to determine those portions of the submitted plan that raised Substantial Issue as to conformity with the policies of Chapter 3 of the Coastal Act; and

WHEREAS, the Lodge Hill area of the community of Cambria was one such area that was not certified; and

WHEREAS, the California Coastal Commission considered the County's Cambria-Lodge Hill portion of the county land use plan on July 10, 1984, and took action to deny the proposal, but also to approve it subject to suggested modifications; and

WHEREAS, the San Luis Obispo County Board of Supervisors on September 11, 1984, and October 16, 1984, has considered the Cambria-Lodge Hill standards and the Coastal Commission suggested modifications; and

WHEREAS, the San Luis Obispo County Board of Supervisors on October 16, 1984, took action to reject the Coastal Commission's suggested modifications and also to approve alternative standards hereby referred to as Exhibit A.

EXHIBIT NO. /
APPLICATION NO.
<i>Cambria/Lodge Hill</i>
<i>December 1</i>

NOW, THEREFORE, BE IT RESOLVED that the San Luis Obispo County Board of Supervisors hereby directs staff to submit the recommended amendments for the Lodge Hill area contained in Exhibit A to the California Coastal Commission. (A copy of Exhibit A is on file in the office of the County Clerk.)

On motion of Supervisor Coy, seconded by Supervisor Brackett and on the following roll call vote, to wit:

AYES: Supervisors Coy, Brackett, Kupper, Jorgensen,  
Chairman Diefenderfer

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

JERRY DIEFENDERFER  
Chairman of the Board of Supervisors

ATTEST:

FRANCIS M. COONEY  
Clerk of the Board of Supervisors

[SEAL]

ms/3104

STATE OF CALIFORNIA	25
COUNTY OF SAN LUIS OBISPO	
I, FRANCIS M. COONEY, County Clerk of the above entitled County, and Ex-Officio 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 no remaining of record in my office.	
Witness, my hand and seal of said Board of Supervisors this <u>OCT 26 1984</u> day of _____	
19 _____	
FRANCIS M. COONEY County Clerk and Ex-Officio Clerk of the Board of Supervisors	
By	<u>SONDRA MYERS</u> SONDRA MYERS County Clerk

RECEIVED

EXHIBIT "A"  
CAMBRIA/LODGE HILL PORTION OF COUNTY'S  
LAND USE PLAN

OCT 3 0 1984  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Revise North Coast Planning Area, Page 45, Combining Designation Program (Sensitive Resource Area Program 4), to add the following:

- c. Erosion Control, Landscaping, and Development Manual. A manual will be prepared by the county as a part of Phase IV of Local Coastal Plan Development to address special development issues pertaining to the Pine Forest. The manual will emphasize techniques that may be used to prevent erosion, enhance and preserve the landscape, and special regulations affecting development.
- d. Erosion Control Program. The county will prepare a program as part of Phase IV of Local Coastal Plan Development to reduce erosion in the Lodge Hill Pine Forest. The program may include road system improvements, establishment of a formalized drainage system, stabilization of cut banks or other techniques to reduce areawide erosion and sedimentation problems. Siltation shall be controlled and prevented from entering Santa Rosa Creek to the maximum extent feasible. Until implementation of the certified program, an erosion control fee of \$400 per new unit shall be paid to a special fund established by the county for use in the implementation of an erosion control program for Lodge Hill.

Add the following to North Coast Planning Area, page 46, Combining Designation Program (Sensitive Resource Area):

7. Transfer of Development Credit Programs (TDC)
  - a. Program Objectives. The TDC Program shall have the objective of reducing potential buildout in the Cambria area, especially the substandard lot areas of Lodge Hill, to be within the public service capacity of the area and, where possible, new development should be transferred from the more environmentally-sensitive areas to areas where less impact may occur.
  - b. Establishment and Duration of Program. The County will work with the State Coastal Conservancy to establish a two-year pilot program for encouraging voluntary transfer of development credits from designated preservation areas in Lodge Hill. In conjunction with the Conservancy, the

18

County shall prepare ordinances to implement the Transfer of Development Credits program and to permit payment of a fee to offset acquisition costs for lots in the preservation areas.

- c. Establishment of Preservation Areas. The TDC program shall establish preservation areas that best reflect characteristics of Lodge Hill deemed most sensitive, but shall include the steeper slopes, heavy tree covered areas, Highway One view corridor and areas with potential to function as wildlife corridors.
- d. Relation of Special Project Areas and Preservation Areas. The Special Project Areas represent the best present approximation of the most sensitive portion of the potential Preservation Areas based on existing information. The standards for the Special Project Areas shall apply to the Preservation Areas when the latter are designated. The Preservation Areas finally adopted will need to be larger to achieve a reduction of buildout potential to a level that is more consistent with available service capacities.
- e. Change of TDC Program Requires LCP Amendment. Any change to the certified TDC program shall constitute an amendment to the LCP.
- f. Permitted Development Area for Lodge Hill Projects Involving TDC's. Permitted development areas for projects involving TDC's shall be determined from Table 2 by:
  - 1) Taking the lot area of the site where the development is to occur (the subject lot) and adding to it the lot area of the lot(s) to be retired (the TDC lots), to create a sum, and
  - 2) Determining the permitted footprint and Gross Structural Area indicated for this sum for the category of the subject lot as shown in Table. 2.
  - 3) In no case shall the permitted footprint and Gross Structural Area be allowed to exceed respectively 45% and 90% of the area of the subject lot as shown in Table 2.
- g. Criteria for retirement of lots and gaining additional square footage. Lots within Special Project Areas may qualify for additional footprint area and Gross Structural.

In no case shall a TDC be transferred to a building site within a Special Project Area from outside the area.

- h. Eligible Purchasers of TDC's. Purchasers of TDC's may include the following:
1. Owners of small lots within Lodge Hill: through retirement of another lot, a TDC could be given that would allow an increase in the permitted coverage/gross structural area on the original parcel;
  2. Owners of properties within the Urban Reserve Line that are not presently provided with sewer or water service by the Cambria Community Services District: through participation in the retirement of lots on Lodge Hill, transfer of water and sewer credits that would otherwise have been developed on the original lots may be appropriate.
  3. Joint Retirement by owners in (1) and (2): a portion of the cost of retirement could be borne by each group, with the owners on Lodge Hill receiving permission for additional residential square footage and the owners of unserved areas receiving water and sewer credits.
- i. Payment of Fees. Under this program, a fee may be paid to the Conservancy or another appropriate nonprofit organization who would be responsible for purchase and retirement of the lots. The fee must be adequate to allow for purchase of typical lots within the preservation areas, plus sewer assessments and administrative costs.
- j. Resale Provisions. With the concentration of purchases in specific preservation areas, the program may propose lot consolidation and eventual sale of portions of the preserved area as estate-sized parcels with appropriately sited building sites. Using this approach, money collected from the sale of the estate lots would allow for retirement of additional lots.

Revise North Coast Planning Area, Page 65, Communitywide Planning Area Standard 5.

5. Permit Requirement - Communitywide. Site plan review is required for all projects on slopes in excess of 20 percent, except where a higher level of review is required by the Land Use Ordinance or Planning Area Standard.
- 1A

Revise North Coast Planning Area, Page 73-74, Residential Single-Family Standards 9-11.

Subdivisions of 25' lots. The following standards apply to Lodge Hill as well as all other areas (such as Park Hill) that are subdivided into 25-foot lots.

9. Site Development Standards: New development proposals are subject to the following standards:

a. Lot Consolidation. (1) A single lot with a frontage of 25 feet constitutes a separate building site only if it is under separate ownership from adjacent lots (See Section 22.04.050 of the Land Use Ordinance); (2) single ownership of two or more adjoining vacant lots are subject to the requirements of Section 22.04.050 - Lot Consolidation of the Land Use Ordinance.

b. Parking. Where physical constraints of a building site preclude adequate on-site parking, alternatives such as parking bays located in conjunction with neighboring or nearby lots can be utilized subject to approval of an adjustment (Land Use Ordinance Section 22.01.043), provided the space is not further than 100 feet from the building lot.

c. Pine Forest Preservation. New construction shall be required to preserve the Cambria Pine Forest as follows:

(1) No tree shall be removed unless it is within the structural line of an approved development in accordance with Section 22.05.060 of the Land Use Ordinance.

(2) Trees may only be removed if the County or a county approved consultant determines they are diseased or pose a hazard.

(3) Any tree(s) with a trunk diameter of 8 inches or greater removed from a development site are to be replaced on a two for one basis, to the approval of the Planning Department.

(4) If available, replacement trees shall be five gallon Monterey Pines, grown from seeds obtained from the Cambria stand.

(5) Construction practices to protect Monterey Pines from disturbance shall be implemented.

include protecting tree trunks from construction equipment by wrapping with heavy materials (e.g., layers of burlap); protecting root systems through the design of the foundation and careful use and storage of construction equipment.

- (6) Undeveloped area of each building site shall be maintained in native vegetation and natural character.

d. Setbacks. Minimum setbacks shall be as follows:

- (1) 25-Foot Lots: Front and rear setbacks must total 25 feet, with a minimum of 10 feet in the front and 10 feet in the rear yard unless adjusted pursuant to Land Use Ordinance Section 22.04.108a(3) (sloping lot adjustment). Side setbacks shall be a minimum of 3 feet; 5 feet on the street side of a corner lot.
- (2) 50-Foot Lots: Front and rear setbacks shall total 25 feet with a minimum of 10 feet in the front and 10 feet in the rear unless adjusted pursuant to Land Use Ordinance Section 22.04.108a(3). Side yards shall be a minimum of 5 feet; 10 feet on the street side of a corner lot.
- (3) Setbacks may be averaged to allow for flexibility in design and minor adjustment may allowed (not to exceed 2 feet in the rear) to preserve trees on the site.
- (4) Front setback may be adjusted pursuant to LUO Section 22.04.108a(3) for sloping lot adjustment.
- (5) Zero sideyard setbacks may be permitted by development plan review where preservation of healthy trees is accomplished or where grading would be minimized, in accordance with Section 22.04.110g of the Land Use Ordinance.

Revise North Coast Planning Area, Pages 74-75, Residential Single-Family, Standards 12-17.

In addition to the previous standards for 25' lots, the following standards apply to Lodge Hill (see Figure 2):

- 12. Permit Requirements and Application Content. Minor Use Permit approval for development on lots of 25% or greater slope and for development within Special Project Areas. Plot Plan approval for other lots unless a higher level of review is required by the

Land Use Ordinance. Consideration of a bonus for additional footprint or gross structural area requires Minor Use Permit review.

Applications shall include information on grading, drainage and erosion and sedimentation control in accordance with Chapter 22.05 of the Land Use Ordinance.

13. Site Development Standards. New development shall satisfy the following standards:

a. Erosion Control. In addition to other applicable requirements of the Land Use Ordinance, the following shall also be met:

1. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
2. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
3. If grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted per Land Use Ordinance Section 22.05.036.
4. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
5. Stockpiles and other disturbed soil shall be protected from rain and erosion by plastic sheets or other covering.
6. All areas disturbed by grading shall be revegetated with temporary or permanent erosion control devices in place.
7. Impervious surfaces such as driveways and walkways shall be limited to the smallest functional size.

8. Exterior decks shall be located to avoid trees. Solid exterior decks shall be limited to 10% of the permitted footprint, while decks of permeable construction (i.e., open wood slats) shall be limited to 30% of permitted footprint.
- b. Parking. Two off-street parking spaces are required for each single-family dwelling. At least one space shall be covered (garage or carport), and the other may be located within the front setback.
14. Building Standards for Lodge Hill. The construction of residences on lots in Lodge Hill in the Residential Single Family category (see Figure 2 for area) shall be in accordance with the height, footprint and gross structural area requirements shown on Table 2.

The standards of Table 2 do not include Tract 163, Tract 61, Cambria Pines Estates #1, and the two marine terrace blocks (Blocks 1 and 2, Tract 97) south of Lampton Street. Any parcel deemed by the county to be non-conforming because of its size is subject to standards of Table 2.

Table 2 is used by first determining the number of legal subdivided lots that comprise the ownership (such as a single 25', double or triple configuration) and selecting the appropriate category. Then select the correct type of lot (such as Special Project Area 1, Forested, or Steep Lot) using the definitions in these standards. This will yield the maximum allowable height, footprint and gross structural area.

41A

EXHIBIT "A"  
 CAMBRIA/LODGE HILL PORTION OF COUNTY'S LAND USE PLAN  
 PAGE 8

TABLE 2  
 STANDARDS FOR LODGE HILL LOTS

A. SINGLE LOT CATEGORY  
25' LOTS (1750 SQ.FT.)

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
1. SPECIAL PROJECTS AREA 1 (Steep Canyon)			
a. 0-25% slope	25'*	500 sq.ft.	900 sq.ft.
b. 25% plus	25'*	400 sq.ft.	600 sq.ft.
2. SPECIAL PROJECTS AREA 2 (Visible Hillside)			
a. 0-25%	25'*	500 sq.ft.	900 sq.ft.
b. 25% plus	25'*	400 sq.ft.	700 sq.ft.
3. FORESTED	28'**	500 sq.ft.	900 sq.ft.
4. STEEP LOTS (30% plus)	28'**	400 sq.ft.	700 sq.ft.
5. MARINE TERRACE	22'	800 sq.ft.	1,000 sq.ft.
6. TYPICAL LOTS	28'**	600 sq.ft.	900 sq.ft.

B. DOUBLE LOT CATEGORY  
50' LOTS (3500 SQ.FT.)

1. SPECIAL PROJECTS AREA 1 (Steep Canyon)			
a. 0-25% slope	25'*	750 sq.ft.	1,350 sq.ft.
b. 25% plus	25'*	600 sq.ft.	1,000 sq.ft.
2. SPECIAL PROJECTS AREA 2 (Visible Hillside)			
a. 0-25%	25'*	800 sq.ft.	1,400 sq.ft.
b. 25% plus	25'*	650 sq.ft.	1,100 sq.ft.
3. FORESTED	28'**	900 sq.ft.	1,800 sq.ft.
4. STEEP LOTS (30% plus)	28'**	650 sq.ft.	1,100 sq.ft.
5. MARINE TERRACE	22'	1 story, 1,600 sq.ft. 2 story, 1,350 sq.ft.	1,600 sq.ft. 2,000 sq.ft.
6. TYPICAL LOTS		1 story, 1,600 sq.ft.	1,600 sq.ft.

EXHIBIT "A"  
 CAMBRIA/LODGE HILL PORTION OF COUNTY'S LAND USE PLAN  
 PAGE 9

	TYPE OF LOT	MAX. HT.	FOOTPRINT	CROSS STRUCTURAL AREA
<b>C. TRIPLE LOT CATEGORY</b>				
<u>75' LOTS (5250 SQ.FT.)</u>				
1. SPECIAL PROJECTS AREA 1 (Steep Canyon)				
	a. 0-25% slope	25'*	1,000 sq.ft.	1,800 sq.ft.
	b. 25% plus	25'*	800 sq. ft.	1,400 sq.ft.
2. SPECIAL PROJECTS AREA 2 (Visible Hillside)				
	a. 0-25%	25'*	1,100 sq.ft.	1,900 sq.ft.
	b. 25% plus	25'*	900 sq.ft.	1,500 sq.ft.
3. FORESTED				
		28'**	1,200 sq.ft.	2,400 sq.ft.
4. STEEP LOTS (30% plus)				
		28'**	1,000 sq.ft.	1,600 sq.ft.
5. MARINE TERRACE				
		22'	1 story, 1,800 sq.ft.	1,800 sq.ft.
			2 story, 1,650 sq.ft.	2,450 sq.ft.
6. TYPICAL LOTS				
			1 story, 1,800 sq.ft.	1,800 sq.ft.
		28'**	2 story, 1,300 sq.ft.	2,600 sq.ft.

\* 28' if the site is not visible from Highway 1

\*\* 25' if visible from Highway One.

Table 2 footnotes. Standards 1-3 below shall be used with Table 2 where interpreting lot sizes that do not conform exactly to base density or where a Footprint and Cross Structural Area bonus is requested.

1. Building sites greater than 5,250 sq.ft. may be permitted additional Footprint and Cross Structural Area equal to the percent that the site is greater than 5,250 sq.ft.

2. Building sites 5,250 sq.ft. or less, the permitted maximum Footprint and CSA shall be adjusted as follows:

a. Single lot category - if the building site is greater than 1,750 sq.ft., the Footprint and CSA may be increased by the percent that the lot area is greater than 1,750 sq.ft.

b. Double lot category - if the lots are greater than 3,500 sq.ft., the Footprint and CSA may be increased by the percent that the lot is greater than 3,500 sq.ft.

Where the sq. footage of the building site is less than the base area (1,750 sq.ft. for single lot, and 3,500 sq.ft. for double lot category) the permitted Footprint and CSA shall be decreased accordingly.

3. Footprint and CSA Bonus - Where an applicant can clearly demonstrate that design and layout concessions have been made in order to save healthy trees, minimize site disruption, visual

4/19

The following definitions shall be used in the interpretation of Table 2:

- a. Footprint - means the area of the lot covered by residential and accessory structures, expressed in square feet, and includes living area, garages and carports. It does not include open deck area, balconies or eaves.
- b. Gross Structural Area - means all interior areas, expressed in square feet of floor area, within the volume of the structure. It includes living areas, storage, garages and carports. Gross Structural Area is measured to the exterior limit of the building walls. Gross Structural Area does not include open exterior decks or interior lofts added within the height limitation to gain additional square footage.
- c. Slope - to be determined by using one of the slope determination methods in Chapter 22.11 (Slope, Average) of the Land Use Ordinance.
- d. Special Projects Areas - refers to sensitive areas delineated on Figure 3.
- e. Forested Lot - a lot containing one or more native Monterey Pine trees.
- f. Marine Terrace - the area located between Marlborough Lane and Sherwood Drive.
- g. Steep Lot - a lot with the average slope of 30% or greater.
- h. Typical Lot - a lot that has an average slope less than 30%, contains no Monterey Pine trees, and is not located in the Marine Terrace or Special Projects Area.

12



20. Top of the World. The presently unsubdivided parcel (APN: 24-301-13) may be subdivided into no more than two parcels. The resulting two parcels shall not be further subdivided.

jm/97/4181k

FIGURE 2  
MBRIA LOCATION MAP

EAST VILLAGE  
 PINE KNOLLS

(a) TRACT 112

WEST VILLAGE

HAPPY HILL

MOONSTONE BEACH

PARK HILL

(b) TRACT 159

THE RANCH

WEST LODGE HILL

EAST LODGE HILL

(c) TRACT 226

EXOTIC GARDENS



FIGURE 2

1A





# San Luis Obispo County Planning Department

County Government Center  
San Luis Obispo  
California 93408  
(805) 549-5600

Paul C. Crawford, AICP  
Planning Director

February 7, 1986

Peter Grenell, Executive Director  
California Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, California 94611

Dear Mr. Grenell:

SUBJECT: FUNDING CONSIDERATIONS FOR CAMBRIA-LODGE HILL TDC PROGRAM

The transfer of development credits program for the Cambria-Lodge Hill Program is at a critical stage. The Local Coastal Plan has been amended to enable such a program, the Restoration Plan has been completed and conceptually approved by the county, and a number of public meetings have been held. The final stage involves implementing the program with final economic, legal analysis, and ordinance preparation. The program has excellent public acceptance to date, mostly due to the expertise of the Coastal Conservancy and your consultants in seeking good citizen participation.

Since the TDC program is mandatory upon the county, and the Coastal Commission played a large role in requiring it, we felt it was appropriate to request funding from the commission for implementation work. We first estimated the county and consultant costs to be approximately \$42,000, but reduced it to approximately \$33,000 to gain Coastal Commission staff support. This was the minimum amount necessary to take the program to the start-up phase.

The Coastal Commission heard the grant request on December 17, 1985, and to our surprise, voted against the recommendation of their staff and reduced our \$33,000 request by approximately \$15,000. While the county is in the process of securing the \$18,000 grant, the program will be substantially delayed if other funding is not secured.

We have reviewed the county's alternatives and have come to the conclusion that unless we secure the additional \$15,000 funding, there will be a substantial delay in the program. Secondary effects will also be

Peter Grenell, Executive Director  
February 7, 1986  
Page 2

significant since momentum is extremely important for the program development, and a delay on behalf of the county will also effect upcoming actions planned by your agency (land acquisition) and the SLO County Land Conservancy.

We are seeking \$15,000 in funding for the tasks that the Coastal Commission cut. I have asked MJG Inc. to detail specific tasks, purpose and costs, of these portions of our work program that need funding. their letter is attached.

The county would appreciate any comments that the conservancy has on our situation and would ask that you consider our request for funding.

We would like to take this opportunity to thank the conservancy for the excellent work done to date on the Cambrian/Lodge Hill TDC Program, Should you have any questions about this request, don't hesitate to contact me.

Sincerely,



JOHN HOFSCHEUER  
Associate Planner  
Local Coastal Plan Coordinator

c: John Ashbaugh, SLO Land  
Conservancy  
Madeline Glickfield

JH/drt/2203L