COLAB San Luis Obispo County

The Coalition of Labor Agriculture and Business

WEEKLY UPDATE
May 4 - 10, 2025

THIS WEEK S HIGHLIGHTS

-Detour runs through tension
-Two year morritorium on a fire hazard?
- 8.3 million dollar lack of curiosity
-Rules for presentations revisited
-Fire map – the gift that keeps on giving
-We won’t be leaving the light on for you in Cayucus
-Housing woes go on and on
-Phillps 66 appeal continued

BOARD OF SUPERVISORS MEETING

After a three-week gap due to the Easter break and the CSAC meeting in Sacramento, the SLO County Board of Supervisors convened again on April 29 with what appeared to be a relatively light agenda having nly 8 items of business beyond the consent calendar. However, after the usual proclamations, resolutions and acknowledgements were dispensed with, several of the seemingly benign items inspired some interesting discussion.

Detour Runs Through Tension

Board Chairwoman Ortiz Legg had strong apprehension with an item on the consent calendar to receive and file an update on the Avila Beach Drive at US 101 Interchange. This is a very disruptive 6-month roundabout project planned for the canyon road that provides access in and out of Avila Beach. Anybody that has driven to Avila on a pleasant day has probably experienced back up from too much traffic on the road that was not designed for heavy volume, and it only gets more congested in the summer.

Understandably, Ortiz Legg's frustration was focused on the fact that Public Works has slated the project to begin smack dab at the height of summer tourist and special event season in July. She expressed concern for the businesses in Avila, as they rely heavily on summer visitor commerce, and she pointed out that there are a couple of annual events in July that attract thousands of visitors. She requested Public Works revisit the scheduling and ascertain whether the project could be moved to the end of August.

At this point, Supervisor Gibson weighed in suggesting that Public Works was fully capable of handling the project and mitigating the traffic challenges. Ortiz Legg, however, was not interested in Gibson's council and intensely pushed forward with a request that Public Works examine the scheduling options and report back. Motion passed 5-0. She makes a good point and it's nice to see a flash of common sense in matters like this.

Two Year Moratorium On A Fire Hazzard?

In the public comment period, about a dozen Morro Bay residents spoke on a proposal they would like the Board to take up that would establish a two-year moratorium on Battery Energy Storage Systems (BESS) throughout San Luis Obispo County. They cite seven BESS fires that have occurred in California over the last 18 months, and point out the high level of toxicity resulting from such fires. Not only does the smoke and fumes from these fires create air quality hazards for many miles downwind, but the residue fall-out has damaged agricultural fields for many acres surrounding them. While BESS facilities have already been established in SLO County, the speakers pointed out that there are no standards outlining safety precautions or wise planning procedures for the construction of such installations. It remains to be seen how the Board will proceed.

$8.3 Million Lack Of Curiosity

Item 22, a consent item involving an $8.3 million contract with the state brought about only a few questions from one Supervisor. The request was to 1) approve a retroactive agreement with the California Department of State Hospitals for the period of July 1, 2024 to June 30, 2028 in the amount of $8,304,000 to continue services started with the initial funding under the diversion program pilot grant and move to ongoing funding to provide treatment for individuals deemed incompetent to stand trial; and 2) delegate authority to the Health Agency Director or designee to, sign any amendments, subcontracts, or documents related to the agreement that do not increase the level of General Fund Support required by the Health Agency.

Only Supervisor Moreno asked follow up questions regarding the services expected to be delivered or past performance of the program. While the answers to Moreno's querries seemed a bit vague, at least there was some minor accountability exercised. Motion passed 5-0.

Rules For Presentations Revisited

Item 40, a consideration of amendments to the Board of Supervisor's Rules of Procedure pertaining to the use of County equipment for public comment, and discussion regarding presentations at Board of Supervisor regular meetings was brought forth by Supervisor Moreno. The discussion was about two different issues.

The first is the lack of structure, guidelines or policies regarding the public recognition period during Board meetings. Moreno pointed out that there is no system in place to define who could be recognized, and how long such recognition efforts should go on. Her main point is that many county personnel are required to attend Board meetings if anything impacting their county division is on the agenda. Those staff members, sometimes measuring a couple dozen, must sit through presentations that can take over an hour before the Board gets down to business. This amounts to many wasted hours of staff time by county employees.

The second part of the question involves the public's use of county Audio/Video equipment for presentations to the Board during Board meetings. This became an issue in the past when one misguided individual thought displaying pornographic pictures on an overhead projector would enhance his presentation. At that point, all public access to county equipment was cut off.
While a good round of discussion was had, the Board ultimately requested more time to think through the points raised by Moreno.

Fire Map – The Gift That Keeps On Giving

As covered here in previous weeks, the State Fire Marshall has issued its Local Responsibility Area (LRA) Fire Hazard Severity Zones map and presented it to the Board for final adoption. Several frustrated people spoke out on inaccuracies within the map while others expressed concern for homeowners' insurance policies and rates. Board members expressed unease that the map was drawn up without any local feedback and does not recognize mitigation efforts such as mandatory community wide weed abatement, brush clearing, fuel reduction or even fire safe communities. With no alternative, the Board received the map.

We Won't Be leaving The Light On For You In Cayucas

A proposed small hotel project designed for a vacant lot in Cayucas was approved by the Planning Commission on Oct 4, 2024, but the permit was appealed by local residents to the Board and was heard at this meeting. The four-unit project was designed to meet all County requirements, but neighbors expressed concern over parking, which led to a vigorous discussion led primarily by (Cayucas resident) Supervisor Gibson. Supervisor Peshong stated that he was adamant he would not support the appeal because the developer had followed all the rules. Nobody disagreed with Peshong's point, but some remained uncomfortable with the plans put forth. After considerable consternation, the Board voted unanimously to continue the appeal until July 8, so that the developer could make changes to parking and design elements.

Housing Woes Go On And On

Housing availability and costs continue to be a key issue throughout San Luis Obispo County. Whether for low-income workers or highly trained professionals, finding a home is very difficult. Near the end of the meeting, Planning and Building presented a report with progress updates and information relating to Board priorities for the Department of Planning and Building and sought direction as deemed necessary.

Amongst the shuffling back and forth regarding zoning changes and density issues came two nuggets of interest. The first was the odd method that the county has been using to measure its performance towards the goal of seeing more low-income housing construction. While those performance figures are woefully shy of current goals, it turns out that they have been counting new Additional Dwelling Units (ADUs) as low-income housing. This raised a few eyebrows amongst the Supervisors. Certainly, some ADUs probably are used as lower cost rental housing, but many are also used for family member housing and some as vacation rentals. Supervisor Gibson asked whether there were any hard numbers reflecting how many were actually used as low-income housing, but did not get a substantive answer. It would appear that the county counts all ADUs as low-cost housing.

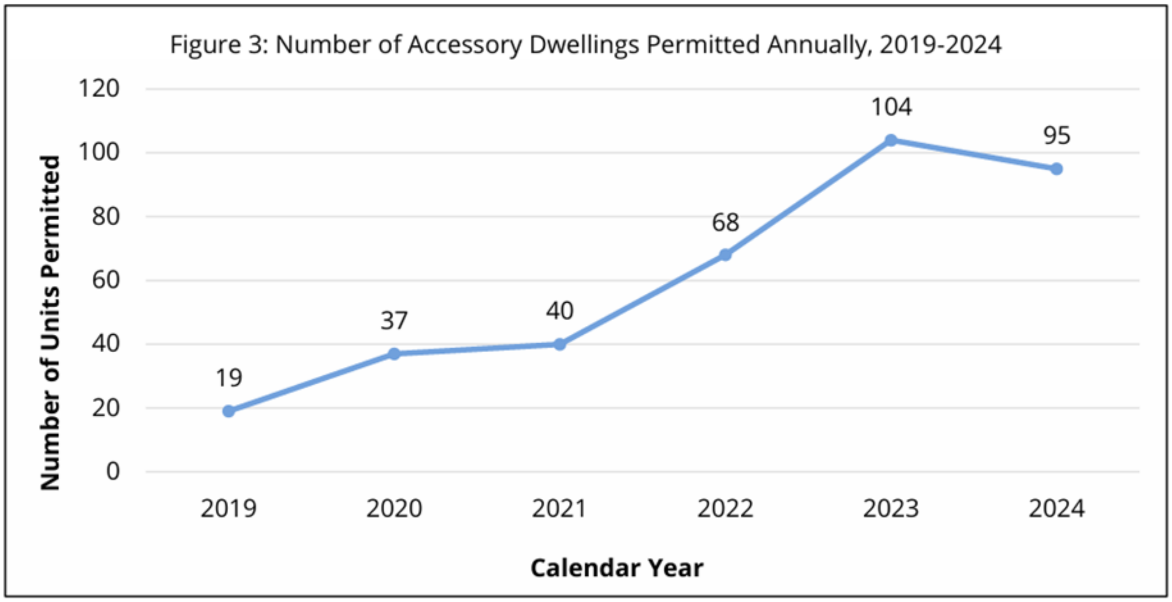
The second nugget is that Building and Planning is hiring a big accounting firm to do an analysis of the SLO county housing market with the hopes that some so far undiscovered pathway to lower cost housing will be revealed. We can only hope that such a report will compile a comprehensive inventory of all the costs associated with local building with a focus on permit and regulatory costs, and will offer comparisons to the same costs in different communities, as well as in different states.

Discussion got off track briefly when Renters Union representatives suggested that we have too many vacation rentals, need a managed registry of all rental properties and perhaps homes that are not occupied full time should be taxed at a higher rate.

Table 1: Unincorporated County's Regional Housing Needs Allocation Progress

Income Category and Example Occupations[1]	Number of Dwelling Units			Percent Completed
	Total Need	Permitted (2019-2024)	Remaining Need	
Very Low-Income (e.g., barista, farmworker, childcare employee)	801	7	794	**1%**
Low-Income (e.g., family social worker, community health advocate, roofer)	505	226	279	**45%**
Moderate-Income (e.g., occupational health worker, construction cost estimator, electrician)	585	246	339	**42%**
Above Moderate-Income	1,365	1,132	233	**83%**
Total	3,256	1,611	1,645	**49%**

Figure 3 shows the number of accessory dwellings permitted annually in the past six years. The number of accessory dwellings permitted annually increased significantly from 2021-2023, peaked in 2023 at 104 units, and slightly reduced to 95 units in 2024.



Phillips 66 Appeal Continued

The Sierra Club appeal of the plans for the cleanup of the closed Phillips 66 refinery in south county has been pushed off until July. Concerns remain that the Sierra Club is looking for measures that would permanently remove the possibility of any commercial or industrial activity from the privately owned refinery property.

NEXT WEEK

May 6 Board of Supervisors Meeting

Because of the three-week gap between meetings in April, the first Board of Supervisors meeting for May takes place on the 6th. With another seemingly light agenda, a couple items stand out. The first is **item 12** on the Consent Calendar. While it is one agenda item, it is a whole hall closet full of unrelated fiscal items. The measure reads as follows:

Request to: 1) approve one new capital project to replace two septic tanks at Biddle Park and one new maintenance project to remodel the Crisis Stabilization Center into a 4-Bed Children's Crisis Residential Program for youth in foster care; 2) increase funding for two existing capital projects to replace existing cabinets and countertops with laboratory-grade versions at the Water Quality Laboratory and design the bridge for the Templeton to Atascadero Connector; and 3) approve corresponding budget adjustments totaling $491,000 for Fund Center (FC) 230 – Capital Projects and $797,000 for FC 200 – Maintenance Projects, using $131,000 of unassigned funds in FC 230, $797,000 from grant funds in FC 166 – Health Agency – Behavioral Health, $160,000 from FC 405 – Public Works, and $200,000 from FC 247 – Public Facilities Fees using Parks Public Facilities Fees (PFF), by 4/5 vote.

While efficiencies are usually appreciated, lumping so many disparate items into one motion doesn't do any of them justice. Further, it can make one wonder if there isn't something hidden or buried in the big conglomerate of issues.

Item 13 is yet another high dollar contract in the Mental Health/Homeless category that is a continuance from a previous contract. Again, despite an operational cost of over one million dollars, the item appears on the consent calendar and could just slide by without a single query about past performance or value to the taxpayer. The motion reads as follows:

Request to waive the terms of the County Contracting for Services Policy and approve Amendment 1 to extend the contract term with Transitions-Mental Health Association (TMHA) through June 30, 2026, in the total amount of $1,176,363, for the Housing Now program which provides housing placement and supportive services for chronically homeless individuals.

Lastly, Public Works will be reporting back to the Board regarding questions from Chairwoman Ortiz Legg on the timing of the Avila corridor roundabout project as covered above.

LAST WEEK

SEE PAGE 9

STEPHEN C. LIEBERMAN TO BE DISTRICT 3 PLANNING COMMISSIONER

ILLEGAL DUMPING ON FARMS AND RANCHES IS GROWING - WHY CAN'T SENTENCED PRISONERS HELP?

FIRE RISK REPORT: STILL TOO HOT STATE MANDATES FIRE HAZARD SEVERITY ZONES

SMALL CAYUCOS MOTEL IN A COMMERICAL ZONE OPPOSED - BOARD SHOULD REJECT THE APPEAL

PLANNING AND DEVELOPMENT REVIEW & FUTURE HOUSING STILL LAGS – VACATION RENTAL UNITS ATTACKED

SIERRA CLUB PRESSURING COUNTY ON PHILIPPS 66 PROPERTY - ANOTHER WEED PARK?

EMERGENT TRENDS - SEE PAGE 17

Is California Doomed To Repeat Pension History?

Time To End The Tyranny Of The California Coastal Commission

COLAB IN DEPTH
SEE PAGE 23

The California Bullet Train Is A Good Lesson In Political Deception

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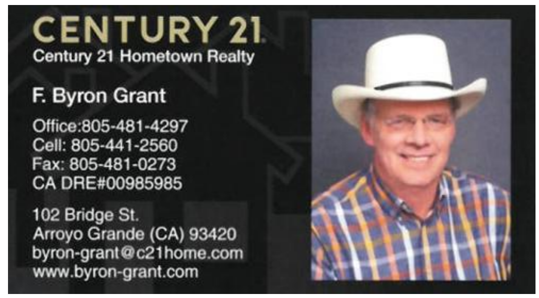

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LAST WEEK'S HIGHLIGHTS

Item 11 - It is recommended that the Board approve the appointment of Stephen C. Lieberman as a District 3 representative to the Planning Commission. This term will expire January 1, 2029. Mr. Lieberman's County application lists the following experience:

List any/all College, Business School, and/or Military experience (most recent first)
UC Santa Barbara, BA Business Economics

Qualifications

List work experience, training, volunteer activities, and skills relevant to this appointment
Grover Beach City Council (2000-2008)
Fire Chief, Five Cities Fire Authority (2014-2024)
Director, Emergency Medical Services Agency, SLO County Public Health (2012-2014)

List dates/names of positions you have held on any advisory body or elected office
Mayor/Council Member - Grover Beach City Council 2000-2008

Please explain why you would like to serve in this capacity

I have served my community and San Luis Obispo County for close to 25 years, beginning as a volunteer firefighter in then Grover City. I am now semi-retired and have the flexibility to engage in supporting the efforts of Supervisor Otiz-Legg, our county, and my city. Land use policy can be complicated, politically charged, and at times divisive. I believe I have the experience, intuition, and political acumen to take on this position.

Item 34 - Submittal of a resolution 1) Authorizing the Director of Social Services, or designee, to apply retroactively for the Department of Resources Recycling and Recovery (CalRecycle) Farm and Ranch Solid Waste Cleanup and Abatement Grant Program in the amount of $200,000 to clean up illegally dumped material on farm and/or ranch property; 2) Authorize the Director of the Department of Social services, or designee, to sign related documents that do not increase the level of General fund support required by Social Services. The problem of illegal dumping on farms and ranches is growing all over California. The write-up states in part:

The Department of Resources Recycling and Recovery (CalRecycle) offers the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (pursuant to Section 48100 of the Public Resources Code). The purpose of the grant is to clean up illegally dumped material on farm and/or ranch property. This grant program has already issued several cycles of funding, and the Department of Social Services (Social Services) and the Public Works Department (Public Works) partnered together to submit an application for the last cycle (Cycle 86). I

Of course, the funding for this State grant originates in our taxes or fees paid to the State. Why not use sentenced prisoners from county jails for these cleanups instead of new taxes or fees? We are already paying taxes for the feeding, medical care, counseling, and guarding of these prisoners.

Our woke leaders would naturally oppose such a plan, asserting that the prisoners are already victims and assigning such work would be cruel and oppressive. We live in a society that has lost its collective nerve.

Proposed parcels for clean up are located in blue shaded area

Representative pictures of cleanup needed:

Will this mess increase, once the $48 million Bob Jones Trail opens?

Item	Amount
Admin Costs	$11,000
Disposal/Recycle	$30,000
Equipment	$40,000
Materials	$5,000
Contract personnel for clean up	$114,000
Total	$200,000

Item 40 - Consideration of amendments to the Board of Supervisor's Rules of Procedure pertaining to the use of County equipment for public comment, and discussion regarding presentations at Board of Supervisor regular meetings. Last year the Board amended its rules of procedure for its meetings. One of the changes included a provision prohibiting the public from using the overhead projector to display graphics during public comment. The stupid underlying theory was that the equipment belongs to the County, and therefore, the public should not have access. This proviso subjected the Board to considerable derision by various civic groups and individual citizens. Accordingly, it was proposed to amend the rules to eliminate this prohibition. Certainly the taxpayers pay for the equipment. The proposed amendment does not seem to fully resolve the matter. Citizens would now be permitted to use the projector during comment on consent items and business items. They would still be prohibited from using it curing general public comment. How trivial and stupid!!

Some of the leftist Board members are worried that public speakers on general matters will display materials that show how out of touch and biased certain governmental woke policies and programs are. The issue was initially triggered by a speaker who displayed a school training manual promoting sex changes and gay sex techniques. Actually, public comment is properly limited to matters that the Board actually has jurisdiction. over. They could have simply cut the matter off, since the BOS does not run the public schools.

Item 41 - Hearing to consider adoption of an ordinance of the Local Responsibility Area (LRA) Fire Hazard Severity Zones as recommended by the Office of the State Fire Marshal. (County Fire). Hearing to consider adoption of an ordinance of the Local Responsibility Area (LRA) Fire Hazard Severity Zones as recommended by the Office of

the State Fire Marshal. (County Fire). Item 41 is rescheduled for a hearing to consider adoption of an ordinance of the Local Responsibility Act (LRA) Fire Severity Zones as mandated by the Office of the State Fire Marshal (County Fire). It appears that the County has no choice but to comply.

As reported here previously, this is a map created by some people somewhere (it is not entirely clear who or where), with no input invited or accepted from local communities, that designates numerous areas of the county as "very high or high" risk of wildfire. In their initial presentation to the Board, County Fire made it clear that the map could not be amended in any way, except to increase the risk level of any portion of the county. Further, the risk assessment does not recognize any mitigation efforts undertaken by communities, such as mandatory brush clearing or fuel reduction.

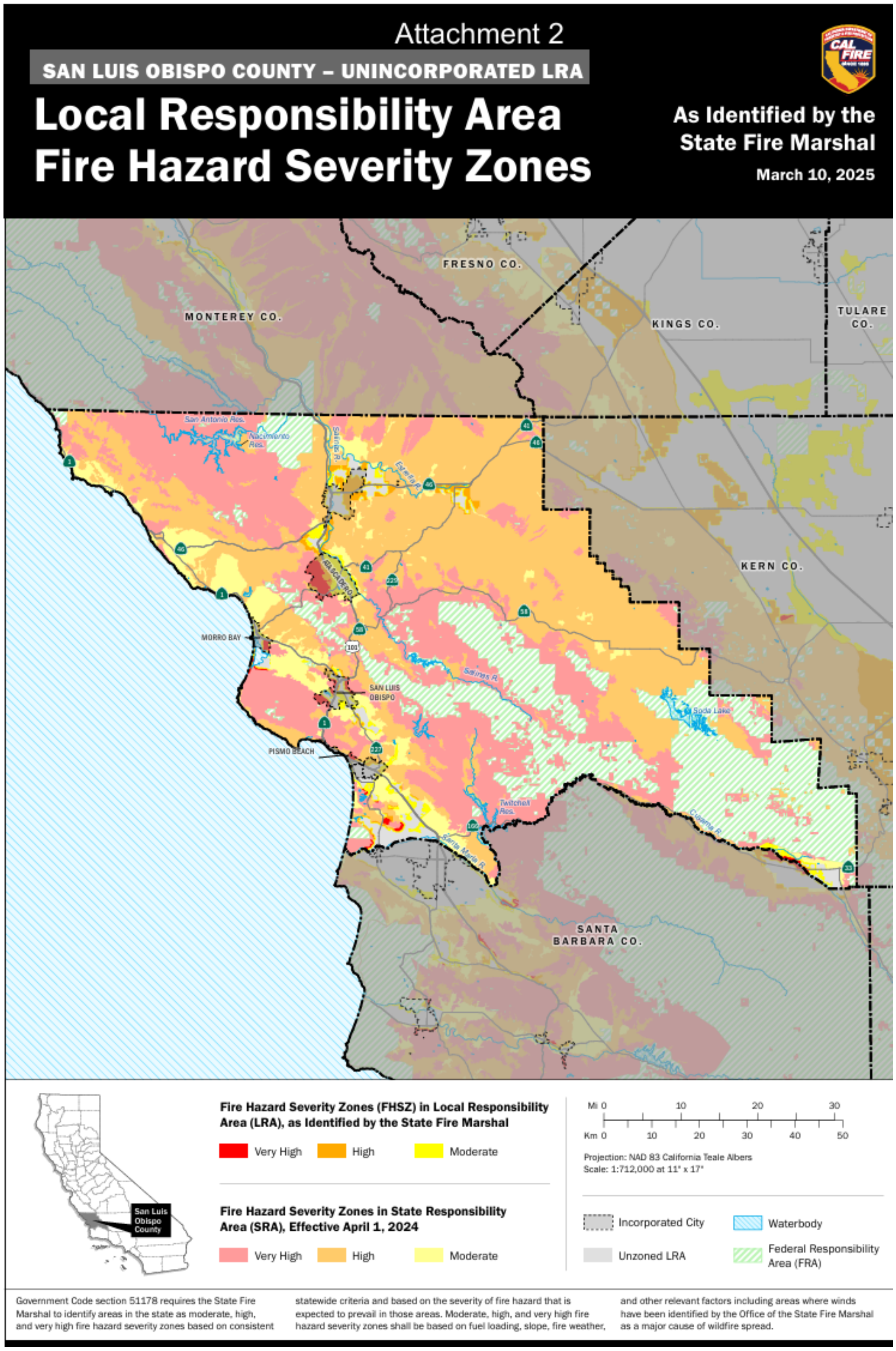
While we all have tremendous respect for firefighters and first responders, and we value their insights greatly when it comes to protecting property from fire, the situation unfolding with this map is extremely frustrating. Insurance policies are being cancelled throughout the county, causing property owners to scramble to find new and far more expensive policies - if they are lucky. The fall back for cancelled policies is a state-run program typically costing up to four times the expense of the original policy.

Theoretically, this LRA map is not supposed to be used by insurance companies, but some sceptics suspect the insurance industry does take a peek at these maps from time to time.

Aside from the frustration created by the map itself, it is also frustrating that the State Fire Marshal seems to draw the map in total secrecy. No public hearings are conducted, no public input is allowed, and no consideration is given for the many efforts that communities undertake to reduce fire danger.

While there does not seem to be much that the Board can do on Tuesday to change the course of the current proposed map, it would be entirely reasonable to request the opportunity to have input before the next one is drawn up. Additionally, perhaps Board members should take their concern to the California State Association of Counties to bring a greater focus to this arbitrary process.

Three related articles are attached in the commentary section that address the potential inaccuracy of these maps, an exploration of the impacts of the maps, and a deal in the works for State Farm to enact a 17% rate increase in California.



Matters After 1:30 PM

Item 42 - Hearing to consider appeals by Harley Dubois (APPL2024-00016), Ann Sturges (APPL2024-00023) and Vicki Tamoush (APPL2024-00028) of the Planning Department Hearing Officer's approval of a request by Uriah Donaldson for a Minor Use Permit / Coastal Development Permit (C-DRC2023-00044) to allow for the construction of a two-

story, approximately 4,910 square-foot mixed use motel. The motel will include three guest units and one residential caretaker unit in Cayucos.

Item 42 is yet another hearing to consider appeals by three individuals of the Planning Department Hearing Officer's approval of a minor use permit/Coastal Development permit to allow the construction of a two story approximately 4,910 square foot mixed use motel in Cayucos. Too often, these types of appeals are simply ways to harass developers, extend timelines and run up costs. In the end, few are found to have merit. When liberals wring their hands about the cost and availability of housing, this type of tactic should be something they could focus on. In this case, it is likely that the Board will do the same thing that it has done with many similar games, which is to deny the appeal. That will then open the door for the appellants to go one step further with a final appeal to the Coastal Commission. The entire appeal process (after the original lengthy permit process) could easily add another year to the start date of the project - not to mention the cost of County staff, builder, and contractor personnel, as well as Coastal Commission staff in the otherwise nonproductive preparation for the appeal hearing.

This item also relates to the concept of economic development for San Luis Obispo County. Our budget is stymied. Revenue cannot keep up with expenses. The luddite approach is simply to raise taxes on individuals. A more reasonable approach would be to look for opportunities such as this one that would contribute to County revenue through property and Transit Occupancy taxes, as well as increased revenues generated through the spending by the guests of the proposed motel. SLO County continues to contribute to economic development programs such as the Center for Innovation and Entrepreneurship at Cal Poly, which is hopefully a good thing. However, a more aggressive approach to supporting projects that will have a direct positive fiscal benefit to the County coffers would be very helpful in these challenging budgetary times.

Item 44 - Consideration of a report on progress updates and information relating to Board priorities for the Department of Planning and Building and provide direction as deemed necessary. This is a status report on various matters related to the Planning and Development Department**.** The write-up states in its summary:

The purpose of this report is to provide updates and follow-up information on Tier 1 Board Priorities for the Department of Planning and Building ("Department"):
1. Target timeline of Tier 1 Board Priorities
2. Progress on housing affordability objectives
3. 2020-2028 Housing Element implementation
4. Housing vacancy rate data
5. KPMG Scope

The report is fairly extensive and melds a number of issues together. These include next year's long range planning workload (selection of projects). It also contains a repeat of the report from earlier this year that demonstrates that the production of low and moderate income housing in the unincorporated County is running significantly below targets.

It also contains data that much of the vacant housing units in the County are vacation rental units. This will spur an attack by some Board members to begin a project to restrict and prohibit vacation rental units.

Finally, the report indicates that KPMG Consulting will begin undertaking a project to review the efficiency, funding, and performance of the Planning Department.

As we have repeatedly reported in the past, most of this will end up window dressing unless and until, substantially more land is rezoned for housing.

Item 46 - The Appellant and Applicant have requested a continuance to July 15, 2025. Continuance of a hearing to consider an appeal (APPL2024-00029) by the Sierra Club of the Planning Commission's approval of a request by Phillips 66 for a Development Plan/Coastal Development Permit (DRC2022 00048, ED23-054) to allow demolition and

remediation of the Santa Maria Refinery, affecting approximately 218 acres of developed area within the 1,642-acre Phillips 66 owned property at 2555 Willow Road, Arroyo Grande. The Project includes aboveground demolition of refinery structures to ground level, followed by site characterization and soil remediation. Belowground infrastructure would be removed where necessary, to accommodate removal of contaminated soils. After demolition and remediation, hardscape would be replaced where removed and exposed soil areas would be revegetated. At Project completion, features to remain include asphalt and concrete surfacing, perimeter fencing, an electrical substation, water wells, truck scales, and two rail spurs, as well as monitoring wells and equipment associated with ongoing remediation under separate permits. The Project site is within the Industrial land use category, southwest of the Village of Callender Garrett and within the South County (Coastal) planning area. Planning and Building). San Luis Obispo County fomented the closure of the refinery some years ago by denying a permit for additional rail spurs that would allow the parking of more tank cars. The idea was to increase the throughput of the refinery to make it more economically viable. Residents of Nipomo combined with anti-oil activists from all over the State to pressure the Board of Supervisors into denying the permit.

Subsequently, and as expected, Phillips shut down the refinery and filed a permit application to clean up the site, dismantle the refinery and auxiliary buildings, and restore the site to marketable condition.

The Sierra Club then appealed the Planning Commission's approval of the permit on very specious grounds. Its real intent is to force the County to turn the site into open space. This would be foolhardy, as the site is zoned industrial. The decisions about future use of the site should be part of a future and separate long range analysis and plan of the overall public interest.

The Board should reject the Sierra Club scam and deny the appeal forthwith.

As you sit in next year's California gas station lines, you may reflect on the foolish decisions at all levels of our elected officials to submit to radical environmental bullying.

The site would be a perfect location for a major new nuclear generating plant that, among other benefits, would generate tens of millions of dollars in new property taxes for the revenue strapped County.

Item 9 - Hearing to consider amendments to the County Inland and Coastal Zone Land Use Ordinances, Local Coastal Program, Real Property Division Ordinance, and Buildings and Construction Ordinance (County File Number: LRP2024-00013) to update regulations relating to accessory dwellings, urban dwellings, and urban lot splits for consistency with State law and to streamline and support affordable housing production. This item focuses on amendments to the zoning ordinances to facilitate additional dwelling units (ADUs) and the permitting of additional units on existing urban lots.

Proposed Ordinances
This section summarizes the proposed regulations for each development type.

The revised provisions are extensive and, over time, could increase urban densities significantly.

For accessory dwellings in the inland areas and Coastal Zone, the proposed ordinances (Attachments 2, 6, and 10) would amend the Buildings and Construction Ordinance (County Code Title 19), Inland and Coastal Zone Land Use Ordinances (County Code Titles 22 and 23) and Local Coastal Program to:

- Streamline and simplify development standards
- Increase the allowable number of accessory dwellings per parcel, as required by State Law, if not limited by public health and safety site standards (e.g., access, fire drainage, flood control, water supply, and wastewater)
  - *Single-Family:* Allow up to three (3) accessory dwellings per parcel, in any combination of attached, detached, or junior accessory dwellings
  - *Multi-Family:* Allow up to eight (8) detached accessory dwellings per parcel, not to exceed the number of existing multi-family units and conversions of existing non-living space to accessory dwellings, not to exceed 25% of the number of existing multi-family units
- Require minimum water supply verification for accessory dwellings using on-site private wells
- Allow parcels with a single-family dwelling to have accessory dwellings and a guesthouse
- Increase the allowable maximum height to be as ministerially allowable for single-family dwellings (SB 897)
- Require approval/denial of applications within 60 days from application completion date (AB 2221) and within 30 days from application completion date if using pre-approved accessory dwelling plans[2] (AB 1332)
- Require that the Department cannot deny an accessory dwelling that is at least 800 square feet and meets 4-foot side and rear yard setbacks, except for health and safety violations (AB 2221)
- Require applicants to complete a pre-screening checklist, indicating the proposed development adheres to the County Code and applicable public health and safety standards (intended to ensure project feasibility before the applicant prepares construction plans)

The proposed ordinance (Attachment 8) would amend the Inland Land Use Ordinance (County Code Title 22) to:

- Define “urban dwellings” as an allowable land use in Residential Rural, Residential Suburban, and Residential Single-Family land use categories
- Define “primary dwelling” as a dwelling that is considered a primary use on a residential parcel, including multi-family dwellings, single-family dwellings, and urban dwellings
- Establish permit requirements and development standards for urban dwellings
- Allow one urban dwelling per parcel in eligible areas, if compliant with public health and safety standards
- Require applicants to complete a pre-screening checklist, indicating the proposed development adheres to the County Code and applicable public health and safety standards (intended to ensure project feasibility before the applicant prepares construction plans)

Urban Lot Splits (Inland Areas)

The proposed ordinance (Attachment 4) would amend the Real Property Division Ordinance (County Code Title 21) to:

- Define "urban lot splits"
- Establish permit requirements and development standards for urban lot splits
- Allow one urban lot split per parcel in eligible areas, if compliant with public health and safety standards
- Require applicants to submit a site layout plan for the proposed buildout of the resulting parcels, including the location of existing and anticipated dwellings
- Require applicants to complete a pre-screening checklist, indicating the proposed development adheres to the County Code and applicable public health and safety standards (intended to ensure project feasibility before the applicant prepares construction plans)

EMERGENT TRENDS

Is California Doomed To Repeat Pension History?

By Marc Joffe

California's state and local governments are struggling to find the cash needed to pay government employees the retirement benefits they promised. As the League of California Cities observed, pension costs for many of their members have been rising to "unsustainable levels". Now, remarkably, the state Assembly is ready to make that problem far worse – by promising even more benefits without any plan to fund them.

Legislators in both parties are backing Assembly Bill 1383, a bill that creates new, more generous pension formulas for public safety employees and allows government employers to negotiate away the 50% employee contribution requirement at the bargaining table. It gets worse: the bill would also allow more government employees to retire earlier – at age 55 – while receiving 90% of their final average salary (i.e., their average salary for the 36 months during which they received their highest base pay). This would be on top of the retiree health benefits that safety employees already enjoy.

What will happen next is unintended but absolutely predictable. To cover the increase in benefits, state and local agencies will find themselves paying more into the California Public Employee Retirement System (CalPERS). That will leave less cash for government services. Pressed to manage their budgets,

government officials will propose cutting costs – including jobs and services. That will trigger almost immediate protests by government union leaders – followed by walkouts, strikes, and temporary government shutdowns.

That's the situation in Los Angeles where Mayor Karen Bass is working to plug a $1 billion deficit by cutting some 1,600 jobs. In Fiscal Year 2023-24 alone, the City was obliged to make over $1.6 billion of contributions to its three pension funds.

"I'm going to push back and fight against every single one of these layoffs," said David Green, president of SEIU 721, the union that represents tree trimmers, trash truck drivers and others.

There was a time when CalPERS was fully funded. In the late 1990s, after years of strong stock market performance, the retirement system achieved a funded ratio of 120.5% – meaning that it had $120,500,000 of accumulated assets for each $100,000,000 it needed to pay future benefits.

The money quickly burned a hole in the pockets of officials eager to please leaders of the state's politically powerful government unions. CalPERS' management reacted by proposing that the state legislature increase pension benefits. They expected the increased costs would be covered by "excess assets" in their funds and very modest increases in future state pension contributions. The legislature enacted the CalPERS proposal by passing Senate Bill 400 in 1999.

Then reality set in. The stock market fell in 2001 and collapsed in 2008. By 2013, faced with the increased benefits costs of SB 400 and a decline in revenue, CalPERS' funded ratio plummeted. By 2013, the ratio had fallen to just 75%. It has remained around that level ever since – despite strong stock market performance and sharply higher employer pension contributions.

The situation would be even worse today if not for former Governor Jerry Brown. In 2012, he shepherded a modest pension reform through the state legislature. The Public Employee Pension Reform Act (PEPRA) limited pension benefits for new hires and required that employees cover half of the "normal" cost of their pension benefits (normal cost excludes any pension contributions whose purpose is to reduce underfunding).

California political leaders already predict that Trump's tariffs will play havoc with the stock market on which CalPERS relies for investment revenue. Even without AB 1383, public employee pension funds will become much more depleted.

AB 1383 has already passed out of its first Assembly committee unanimously. It enjoys vigorous support from unionized firefighters, who undoubtedly provide a valuable service at considerable risk, but many of whom already receive compensation packages of $600,000 or more for their efforts.

Before this bill rolls through the entire legislative process, much more analysis needs to be done of its potential impact on CalPERS and smaller pension systems. Just about everyone, including Gray Davis who signed SB 400 into law, now realizes that law was a mistake. Let's not make the same error with AB 1383 and its potential successors.

Marc Joffe is President of the Contra Costa Taxpayers Association and a visiting fellow at California Policy Center

Time to End the Tyranny of the California Coastal Commission

By Janet Levy

A disturbing fact emerged after wildfires ravaged Southern California in January this year. The California Coastal Commission (CCC) had thwarted the fire-safety efforts of the Los Angeles Department of Power and Water's (LADPW) in the Pacific Palisades, one of the worst-affected neighborhoods. The CCC even fined the department $2 million for its initiative.

The Palisades was said to be at "elevated fire risk." So, in 2019, the LADPW started replacing wooden utility poles, which were about a hundred years old, with stormproof, fireproof steel poles. But an amateur botanist complained that the work would harm some 200 shrubs of endangered Braunton's milkvetch. So, the CCC ordered a halt to the upgrade.

The shrubs were saved, thanks to the CCC prioritizing the environment over people. But eventually, several more were destroyed in the wildfires, the worst California has seen. Thirty people were killed, 18,000 homes gutted, and over 57,000 acres scorched. The Palisades fire alone killed eight people, razed 6,800 buildings, and burned 23,400 acres.Autonomous, quasi-judicial agencies like the CCC are meant to remain apolitical and humane rather than

punitive in their duties. But across the U.S., many such agencies are anything but. The CCC could well qualify as one of the worst.
A lawsuit by Elon Musk's SpaceX accused the CCC of "naked political discrimination" and of "egregiously and unlawfully overreaching its authority." But more on the SpaceX lawsuit later. After all, Musk's corporation has the clout to put up a strong fight. First, though, a look at how the CCC became so powerful and agenda-driven and how it has tyrannized the more helpless.
The commission was created in 1972 in response to complaints that private development blocked beach access and hampered the protection of the coast for the public's enjoyment. Proposition 20, an activist initiative to create the commission, was approved by 55% of voters, which paved the way for the California Coastal Act of 1976.

The legislation gave the CCC jurisdiction over 1,100 miles of California's combined coastline and shoreline, stretching three miles into the Pacific and several hundred feet to five miles inland. The San Francisco Bay area, under its own commission, is excluded. Effectively, the CCC's writ also runs over 1.5 million acres of land, on which 50% of Californians live.

The CCC has quasi-legislative, quasi-judicial, and quasi-administrative powers. It can frame rules and regulations, veto permits issued by local governments, order government agencies and citizens to follow its orders, cite property owners for violations, and fine citizens and state agencies alike. It operates without time constraints. These vast powers are vested in 12 voting members with four-year terms (all political appointments) and three ex-officio non-voting members.

The 2014 decision of the California legislature to let the CCC impose fines of up to $11,250 per day made it a power unto itself. Now, instead of going to court to enforce orders, the commission started holding its own hearings. Property owners were denied the opportunity to rebut evidence against them or summon and cross-examine witnesses.

Since the commission operated without time constraints, the fear of mounting daily fines kept property owners, especially private citizens, in tight check. The CCC's overriding powers also forced them to suffer unfair, even nonsensical, rulings. Rather than sue the CCC when due process was denied, they sold their properties, often at a loss.

In the Warren and Henny Lent case, the CCC imposed an arbitrary fine of a whopping $4.185 million. In 2002, the Lents bought a home along the Pacific Coast Highway in Malibu. Five years later, the CCC pulled out 25-year-old

blueprints used by the original owners to build the house in the early 1980s and claimed that a staircase and a gate violated easement terms.

The Lents said they were unaware of any violations by the previous owners and couldn't be held responsible for any violations. In fact, they were able to show that there were no violations. The staircase was for emergency egress from the upper story, and the gate kept passers-by trying to reach the easement to the beach, safe from a six- to seven-foot fall to a wooden landing.

However, faced with the fine, the Lents removed the gate — only to find it reinstalled to protect the public from the drop. The Court of Appeals upheld the CCC's power to fine for "blocking public beach access." The U.S. Supreme Court declined to hear the case, and the fines remain in place. As a Cato Institute brief points out, the Lents' case is no outlier. Unbridled, the CCC will continue to go after citizens with the threat of massive fines.

When David and Stephanie Tibbitts wanted to retrofit their oceanfront house in San Luis Obispo County to make it accessible for wheelchair-bound David, the CCC stepped in despite having no jurisdiction. The local authority had granted permission for the changes, but the CCC said the Tibbittses must remove a seawall that predates the Coastal Act and is not bound by it.

After nearly three years of fighting, the Tibbittses were allowed to make the changes to their home. The Pacific Legal Foundation (PLF), the pro bono law firm that appeared in both cases, says the CCC's interference tactic in the Tibbitts' case is part of its long-term plan to expand its "power over local government" and have the "final say over everything that happens near the coast."

The CCC's action against Musk's SpaceX lends credence to that allegation. Last year, it rejected SpaceX's plan to increase Falcon 9 rocket launches to 50 annually, claiming they would affect wildlife. However, statements by three commissioners affirm that the action is related not to any wildlife concerns but to Musk's politics.

Indeed, politics is in the very DNA of the CCC. Peter M. Douglas, the principal author of Proposition 20 and the Coastal Act of 1976, which created the CCC, was an early social justice activist and environmentalist who abhorred capitalism. He described it as "dehumanizing, amoral corporate capitalism and imperialism."

In his 26 years as executive director of the CCC, Douglas reoriented the agency and the state away from development toward his own brand of

environmentalism. Although he opposed private property and development, he owned a house in ecologically sensitive Point Reyes, right on the coast.

That holier-than-thou hunger for control and hubristic belief that activists know what's best for the world thrives in the CCC. It has now insinuated itself into the rebuilding of the Pacific Palisades. Governor Gavin Newsom said in February, "You can't rebuild the same. We have to rebuild with science, with climate reality in mind."

Acting in concert, the CCC will likely make things difficult for fire victims by blocking rebuilding with time-consuming requirements. In addition, the Los Angeles Board of Supervisors has asked the legislature to repeal fast-track building laws, claiming this would speed up reconstruction. Of course, this is just a tactic to make rebuilding more difficult.

However, at least one state representative, Kevin Kiley, is fighting back — both against the interference in the Palisades reconstruction and to cut the CCC down to size. In March, he introduced the Coastal Commission Accountability Act to strip the CCC of its powers. "The California Coastal Commission is simply out of control and has veered far from its purpose of protecting the coast," he said. "The need to rein in the commission has become urgent as we face the challenge of rebuilding Los Angeles following the fires."

It's high time this body of unelected bureaucrats, who put politics and junk science above property rights and citizens' welfare, and even extract bribes, is disbanded.

American Thinker April 30, 2025

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The California Bullet Train Is a Good Lesson in Political Deception

05/01/2025

William L. Anderson

This week, my wife and I have traveled Amtrak's route to and from Bakersfield, California, with the Amtrak line running down the state's Central Valley past cities like Fresno and Modesto. As our train sped down the tracks at speeds of up to 83 mph, we could see construction of the much-hyped boondoggle known simply as the California Bullet Train.

Much has been written about the proposed (and proposed really is an understatement) project, which is supposed to run entirely by electricity created from renewable resources. In 2008, California voters approved a bond issue of $9.9 billion to determine the feasibility of the proposed high-speed railroad that would link San Francisco and Los Angeles with a then-$33 billion price tag. I have weighed in myself on this project and its spiraling costs (the present estimated total cost being $135 billion…and rising), writing:

If one tries to make sense of an exercise in spending billions of dollars for a Train to Nowhere, one cannot use conventional financial logic. There is a logical process at work, but it is a logic of a different sort than what appeals to a typical reader of this page. Political logic, especially in a state like California where progressive politics dominates, veers sharply from economic and business logic.

But what does the Central Valley have to do with linking the two California cities, both of which are on the Pacific coast far away from the likes of Bakersfield and Fresno? There already exists a rail link between LA and San Francisco, but it is the slow-moving Amtrak that must make its way through the Coastal Range that runs down the western part of the state. (An aspiring rail rider would board a CalTrans train from San Francisco to San Jose, then hop aboard Amtrak's Coast Starlight there as it passes through once a day).

It seems that the promoters of the Bullet Train also are having to bow to the state's varied geography, which brings us back to construction in the Central Valley. As we looked out the window in the brand-new Amtrak passenger cars recently manufactured for the San Joaquins route, we saw huge concrete viaducts in various stages of completion between Bakersfield and Merced—and that was all the construction we would be able to see, since there is no construction anywhere else on the proposed route.

Understand that no private firm would build a railroad like this because it could never recoup its original costs. The current projected outlay of $135 billion almost surely will grow, as the project continues to miss its goals and run into more difficulties. It will be mathematically impossible for the rail line ever to turn a profit, even if it ever is completed—which is highly doubtful.

This leaves us with the line between Bakersfield and Merced, which is not scheduled for completion before 2030 and probably won't be available until 2033. To understand the absurdity of the whole thing, one should remember that this original Bakersfield-Merced line is being built first because it has the friendliest geography—the Central Valley being flat—which means the trains can run for miles on straight tracks, avoiding the hairpin turns through the mountains that would be a feature elsewhere in the state.

(I have ridden Amtrak many times in California, including going over the Sierra Nevada and in and around the Coastal Range south of San Jose. High-speed rail could not function in these places).

But, even given the flat terrain, much of the Bakersfield-Merced line will have to run on huge concrete viaducts that are extremely costly and will take years to complete. To put it another way, if the lowest-hanging fruit for a rail line has been extremely costly, think what will be the case if they ever try to carve a path around and through the mountains that surround Los Angeles.

To put it another way, as we looked at the ongoing construction of this rail line, we were not looking at success, but rather a huge governmental failure. One would think this would be obvious to nearly everyone, but when California Governor Gavin Newsom and local politicians dedicated this rail line, the rhetoric was so delusional that it was comical. Here are some snippets:

Members of the community and Gov. Gavin Newsom gathered in Kern County where the initial operating segment is taking place. Leticia Perez, chairwoman of the Kern County board of supervisors, said that this project is important for residents of California's rural Central Valley, providing a 171-mile system from Merced to Bakersfield.

"What is represented today is a game changer, a transformative moment for the Kern County workforce - our access to UC Merced, our access to other parts of the state," Perez said.

"As a resident of Fresno County, the high-speed rail built right here in the valley has been a dream come true," said Structures Superintendent Anthony Canales who has been working on the project since 2015. "This is not just a transportation program; it's a transformation project."

However, the Central Valley already has passenger rail courtesy of Amtrak and if what we saw on our trip with near-empty cars is an indication of the Amtrak ridership of that area, one seriously doubts that high-speed rail—while a curiosity—will make a difference for people in that valley. The local political rhetoric notwithstanding, even if this monstrosity is completed, it won't be a "game changer" but rather a conversation piece at best.

The longevity of this failed project is a testament both to political inertia and to the love affair that progressives have with both central government economic planning and especially the high-speed rail. It is a massive malinvestment that is saddling California with huge debts that its taxpayers—most of whom will gain no benefit from the bullet train—will have to shoulder in the future. Those politicians and politically-connected contractors most responsible for this boondoggle will gain the benefits (and get to ride for free), while the victims will have to pay.

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