

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT  
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# F12b

**Prepared November 2, 2020 for November 6, 2020 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner

**Subject: Additional hearing materials for F12b CDP Application Number A-3-SLO-20-0047 (Settimi, Cambria, San Luis Obispo Co.)**

This package includes additional materials related to the above-referenced hearing item as follows:

Correspondence received since the staff report was distributed.

October 30, 2020

Janine Settimi  
31442 Dahlem Drive  
Exeter CA 93221

RE: Settimi Coastal Commission Appeal

Dear Commissioners,

In my recent correspondence with Brian O'Neill, I have been told that the Coastal Commission will be refusing to allow any new development in Cambria until a new water source is procured. If this is to be the "gold standard" going forward, then I suspect the hearing today will be an exercise in futility on my part. I will now present the facts as they relate to this project.

My project has a "pipeline" status intent to serve letter issued by the CCSD. This means it is one of the outstanding water commitments made by the CCSD prior to them declaring a Water Code 350 Emergency and enacting a moratorium on new water connections. The water allotment for my parcel was issued in April 2001, before the November 15th, 2001 moratorium.

As far as the city of Cambria and San Luis Obispo County are concerned, now that 6 months have passed since Governor Jerry Brown lifted the Stage 3 Drought Emergency Declaration, I have the green light to proceed with development of my property. This project should be allowed to proceed because it honors the longstanding commitment made by the CCSD, and previously the Coastal Commission, to honor water service commitments established before the 2001 moratorium was enacted.

As Californians we should always strive to conserve water since it is an important and at times scarce resource throughout our state. This project, if allowed to proceed, will not open the floodgates and allow unlimited development in Cambria. It is a recognized pipeline project by the CCSD and is not merely on the water wait list. Cambria has also recently moved forward on the process of getting the Sustainable Water Facility (SWF) permitted. There will be groups who

will come forward and attempt to stop Cambria from successfully moving forward with this project to help maintain an adequate water supply even in times of drought but I am confident Cambrians will ultimately be successful.

This project is a very modest building compared to what would be allowed on a lot of comparable size. It has been noted in geological reports that the ground has already been disturbed and a visit to the site will show remnants of a block wall and concrete on the property indicating a structure once existed on the lot many years ago. I specifically asked my architect to save as many trees as possible and the plans call for the removal of only one Monterey Pine. Minimal water will be used on the property since it will not be rented out or used as a full time residence. I would also like to point out that Cambria doesn't currently restrict the number of overnight visitors to the area and has not implemented draconian water restrictions for residents. I would further argue that since the intent to serve letter existed since 2001, this parcel has banked water for the last 19 years while no active water meter was present.

If it is to be the new policy of the California Coastal Commission going forward to not honor water commitments unless they have a water meter that has been actively connected to a home in the last 5 years, then the Commission should make this policy known to the CCSD and SLO so that those of us with intent to serve letters are not financially taken advantage of by moving forward with our projects only to be categorically denied at the Coastal Commission level. It would make sense for the CCSD and the Coastal Commission to meet and get on the same page in regards to what constitutes a pipeline project and not put the landowner in a position of being approved by Cambria and SLO but then shut down by the Coastal Commission. I've included a letter from the CCSD which says that I must show "significant progress on the project" or I will lose future intent to serve letter extensions. If projects such as mine will only be allowed once Cambria secures a new source of water, shouldn't a pipeline project such as mine be the first to be permitted once that water source is well on its way to being permitted? Instead of denying my project outright, shouldn't the Commission take a more measured approach and see how the SWF permit process moves forward? I would plead with the Coastal Commission to spend some time before making their final decision on whether this project should be allowed to proceed given the recent developments regarding the Sustainable Water Facility.

I've included a timeline of pertinent dates for reference:

November 15, 2001: CCSD enacts moratorium on new water connections

October 2010: APN 024-331-025 was purchased by the previous owners

May 2011: APN 024-331-009 purchased by the previous owners

September 2012: APN 024-331-026 purchased by the previous owners

November 15, 2012: CCSD approves a request by Greenspace to transfer an intent to serve letter authorizing water service from APN 013-141-022 to APN 024-331-026. All three of the above noted parcels were merged into one buildable lot with the retirement of the donor site.

November 2013: CCSD lifts Water Code 350 ER and Moratorium to allow issuance of intent to serve letters

January 30, 2014: CCSD declares a Stage 3 water shortage emergency

May 22, 2014: CCSD votes to suspend all intent to serve letters

July 18, 2014: SLO Board of Supervisors approve the building of a 3451 square foot single family residence on my lot by the previous owners.

August 19, 2014: CCSD clarifies that no connection to the CCSD's water system would be permitted until after the Stage 3 water shortage ends

August 22, 2014: The Coastal Commission (commissioners Mary Shallenberger and Erik Howell) appeal the county's approval. The previous owners subsequently pull the project.

August 2015: I purchase APN 024-331-032 which includes the intent to serve letter. My understanding is that I will be able to proceed with development of the lot once 6 months have elapsed following the end of the Stage 3 drought.

March 23, 2017: Stage 3 Water Shortage Emergency lifted. CCSD lowers drought declaration to Stage 2

April 7, 2017: Governor Jerry Brown lifts drought Emergency Declaration.

August 23, 2017: I receive correspondence from the CCSD extending my intent to serve letter and reminding me that for future extensions my project will need to show significant progress. Failure to adhere to these conditions may result in revocation of my intent to serve letter.

January 26, 2018: I appeared in front of the Assessment Appeals Board of SLO and unsuccessfully petitioned for a reduction in assessed value of my property. The Assessor's Office argued that the intent to serve letter alone conferred a value of over \$100,000 onto my property. After the Chief Deputy County Counsel met in private with the assessment appeals board members, they voted to uphold the existing appraised value.

June 25, 2020: CCSD Board of Directors give green light for staff to submit a completed application for the Sustainable Water Facility to San Luis Obispo County for a regular Coastal Development Permit.

Thank you for your consideration,

Janine Settimi

# CAMBRIA COMMUNITY SERVICES DISTRICT

## DIRECTORS:

AMANDA RICE, President  
GREG SANDERS, Vice President  
JIM BAHRINGER, Director  
MICHAEL THOMPSON, Director  
HARRY FARMER, Director



## OFFICERS:

JEROME D. GRUBER, General Manager  
MONIQUE MADRID, District Clerk  
TIMOTHY J. CARMEL, District Counsel

1316 Tamsen Street, Suite 201 • P.O. Box 65 • Cambria CA 93428  
Telephone (805) 927-6223 • Facsimile (805) 927-5584

August 23, 2017

Janine Settimi  
31442 Dahlem Drive  
Exeter, CA 93221

Re: Approval of Intent to Serve Extension

Dear Ms. Settimi,

Subject: Time Extension, "Intent to Serve" Letter  
EDUs: 1.0  
APN: 024.331.032

As you are aware, the Board of Directors of the Cambria Community Services District previously took action to suspend all pending and outstanding Intent to Serve Letters, based upon the Stage 3 Water Shortage Emergency. On March 23, 2017, the Stage 3 Water Shortage Emergency was lifted. Based on the Board's actions, the Intent to Serve Letters were automatically extended for six months after the removal of the Stage 3 Water Shortage Emergency, which extended the expiration date to September 23, 2017.

Since it is within my authority as the General Manager to extend Intent to Serve Letters of up to 3 EDUs, I've determined that under the circumstances, your Intent to Serve Letter should be extended an additional six months. Accordingly, enclosed is verification that your "Intent to Serve" letter for 1.0 EDU at the above referenced project has been approved for such an extension.

**Your "Intent to Serve" letter is now valid through March 23, 2018.**

For all future extensions, this project is required to show significant progress on the project or completion of the project prior to the expiration date referenced above. Failure to adhere to these conditions may result in revocation of your "Intent to Serve" status and your project would then be returned to the Cambria Community Services District waiting list.

For your convenience, an extension application is enclosed, in the event you would like to request an additional extension beyond March 23, 2018.

If you have any questions, please contact the CCSD office at (805) 927-6223.

Best Regards,

A handwritten signature in black ink, appearing to read "Jerry Gruber".

Jerry Gruber  
General Manager

Enclosure: Application for Extension

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# **F12b**

**A-3-SLO-20-0047 (SETTIMI SFD)  
NOVEMBER 6, 2020 HEARING**

**CORRESPONDENCE**

**Fwd: Public Comment on October 2020 Agenda Item Thursday 8a - A-3-SLO-20-0616 (Settimi, Los Osos, San Luis Obispo Co.)**

CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Wed 9/30/2020 1:14 PM

To: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>

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**From:** David Slater <davidslater1538@gmail.com>

**Sent:** Wednesday, September 23, 2020 6:20:14 PM

**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

**Subject:** Public Comment on October 2020 Agenda Item Thursday 8a - A-3-SLO-20-0616 (Settimi, Los Osos, San Luis Obispo Co.)

We own a home in the Cambria neighborhood where this project would be located. We purchased our home 11 years ago, despite trepidation at that time regarding adequacy and durability of the water supply. We were reassured that a moratorium existed on new water demand, or we likely would not have bought our home.

Nothing has improved since then climatologically or operationally. The CCSD's cobbled together emergency water supply augmentation scheme is not approved for use outside of such defined times, nor do the particulars of its engineering and execution to-date give one confidence that it ever should be regarded as a reasonable stepping stone to serve significant additional development-related water demand. There is enough concern that it will function as advertised to improve supply safety for existing users.

I agree with the Commissions analysis: there is not sufficient water; even existing home owners have marginal water security, which negatively impacts property values and interest in home ownership in Cambria; reliance on long outdated intent to serve letters or meter transfers from properties that never even used water does not recognize the fact that this is incremental demand on an already tenuous system (legality of that stance would need to be established, I agree); and the precedent-setting significance of this particular application is large, with repercussions that must be admitted by all to exceed the specific impact of this one home building proposal.

I support rejection of the proposal, and I consider the rationale and documentation for doing so, reasonable and solid. There are many homes for sale in Cambria at all times. There is nothing to prevent someone wanting to join our community from doing so, without creating incremental demand on our tenuous water supply.

Sincerely,

David Slater

Sent from my iPad



Elizabeth Bettenhausen, Ph.D.  
345 Plymouth Street  
Cambria, CA 93428-2716  
[elizabethbettenhausen@gmail.com](mailto:elizabethbettenhausen@gmail.com)

1 October 2020

California Coastal Commission  
via email [CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov)

Dear Commissioners:

Re: Oct. 8, 2020, Th8a: Appeal Number A-3-SLO-20-0047

Please find a substantial issue and deny a Coastal Development Permit

The first general goal of THE LAND USE AND CIRCULATION ELEMENTS OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN for the NORTH COAST (Rev. Oct. 2018) could have been written today, given the urgency of its focus.

**1. Environment.** Maintain and protect a living environment that is safe, healthful and pleasant for all residents by:

- A.** Assuring the protection of coastal resources such as wetlands, coastal streams, forests, marine habitats, and wildlife, including threatened and endangered species.
- B.** Conserving nonrenewable resources and replenishing renewable resources.<sup>1</sup>

In Cambria we are coming to realize that the protection of the town must be not in vague long-term plans but rather in specific, immediate actions. Many people used to dream of the expansion of paradise, as if all resources and space were infinite. Now the changes in the conditions of the forest and creeks, the beach and ocean, the roads and preserves, the wildlife call us to account.

If only decisions by individuals always accomplished the best protection of the town and its environs. But that is not the case. Sometimes the common good must take precedence over the wishes of individuals. Discerning and protecting the common good is one of the real challenges for elected and appointed officials these days.

The difficulty of the decisions is often avoided by relying on prior judgments. In the Settimi application, for example, the San Luis Obispo County Planning Department statement reads:

The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration (ED13-072 SCH#2014061033) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.<sup>2</sup>

However, this environmental determination was made on 6/4/2014. The past six years included the drought in California, the inability of the Cambria Community Services District to maintain a conservation plan, the disappearance of retrofit points tallying from the CCSD records, unpermitted manipulation of Santa Rosa Creek production wells by CCSD, the hasty CCSD investment in 2014 in a still unpermitted reverse osmosis plant, and intensified likelihood of forest fires due to climate change and residential intrusion into open space.

Cambria Community Services District has repeatedly reached decisions that avoid coming to terms with the environmental effects of withdrawal of potable water from Santa Rosa Creek

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<sup>1</sup> p. 1-2 of <https://www.slocounty.ca.gov/getattachment/d8c5ebea-b556-4774-9d2d-53af23bc09c8/North-Coast-Area-Plan.aspx>

<sup>2</sup> <https://agenda.slocounty.ca.gov/jip/sanluisobispo/meeting/details/1131>

and San Simeon Creek. Unwilling to acknowledge the scope of the requirements protecting the Environmentally Sensitive Habitat Area (ESHA) that defines Cambria and the creeks, they repeatedly use the Mitigation tactic without adequate data base and subsequent monitoring. I would be happy to provide you with copies of my documentation of this, should you so request.

The California Coastal Commission staff has done excellent evaluation of specific building applications in light of the effects on the creeks, their environs, and Cambria.<sup>3</sup> I respectfully ask that you read the entire Staff Discussion and Recommendations carefully. Approving coastal development permits (CDP) for construction in Cambria that creates increased water use is a grave error. Documenting claims of retrofit conservation has been a complete failure in CCSD. The proposed new program for such conservation is rhetorically rich and practically poor.

Raised in North and South Dakota farming communities, I have been struck by how imperious we've become in our use of the land and water. Perhaps that's why this passage in Brian O'Neill's analysis comes to mind when I wake up during the night in my 79<sup>th</sup> year.

...there is not an adequate sustainable water supply to provide new water service to serve new development in Cambria (and it is not adequate even for existing development), a fact that has been repeatedly determined by the Commission in relation to Cambria development through multiple actions, including certification of LCP policies (specific to the lack of available water and imposing specific water supply requirements) and CDP actions; (4) the sources of Cambria's water supply (i.e., Santa Rosa and San Simeon Creeks) are environmentally sensitive habitat areas (ESHA) that are currently being adversely affected by existing water extractions to support existing development in Cambria....<sup>4</sup>

For too long we've run communities as if growth of the economy and resources would speed along and serve all of our interests. Robert J. Gordon's *The Rise and Fall of American Growth: The U. S. Standard of Living Since the Civil War* (2017) presents a detailed history of the decline in real GDP per person and real disposable income per person in the USA since 1970 (see Table 18-4). Certain economic interests in SLO County interpret so-called natural resources solely as means to net profit, a long-standing practice in the USA. Including the economic value of the environment is an urgently needed change in this.

Once again we come face to face with our responsibility for and complete dependence on the conditions of land, water, air, and diverse forms of life. The commonwealth is not endlessly ample. It is being destroyed. This includes the forest in Cambria and the creeks that run through and near the town. Please do not permit piecemeal erosion of the habitat that grounds us. The change in climate is a crisis.

Do not approve an individual permit. The well-being of the ecosystems is prerequisite to life's survival.

Thank you for considering this decisive action carefully in the tumultuous times surrounding us.

Sincerely,  
Elizabeth Bettenhausen

cc: Harry Farmer, president, CCSD Board of Directors, <[hfarmer@cambriacsd.org](mailto:hfarmer@cambriacsd.org)>  
Brian O'Neill, California Coastal Commission, <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)>

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<sup>3</sup> Orellana <https://documents.coastal.ca.gov/reports/2017/9/th22c/th22c-9-2017-report.pdf>  
Peoples' Self-Help Housing <https://documents.coastal.ca.gov/reports/2019/9/W14a/w14a-9-2019-report.pdf>  
Hadian <https://documents.coastal.ca.gov/reports/2019/11/W32e/w32e-11-2019-report.pdf>

<sup>4</sup> p. 2, <https://documents.coastal.ca.gov/reports/2019/9/W14a/w14a-9-2019-report.pdf> and p. 2 of Th8a before you now.