

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



F11d

A-3-SLO-21-0075 (STAMBACK GUESTHOUSE AND SFD IMPROVEMENTS) DECEMBER 17, 2021 HEARING EXHIBITS

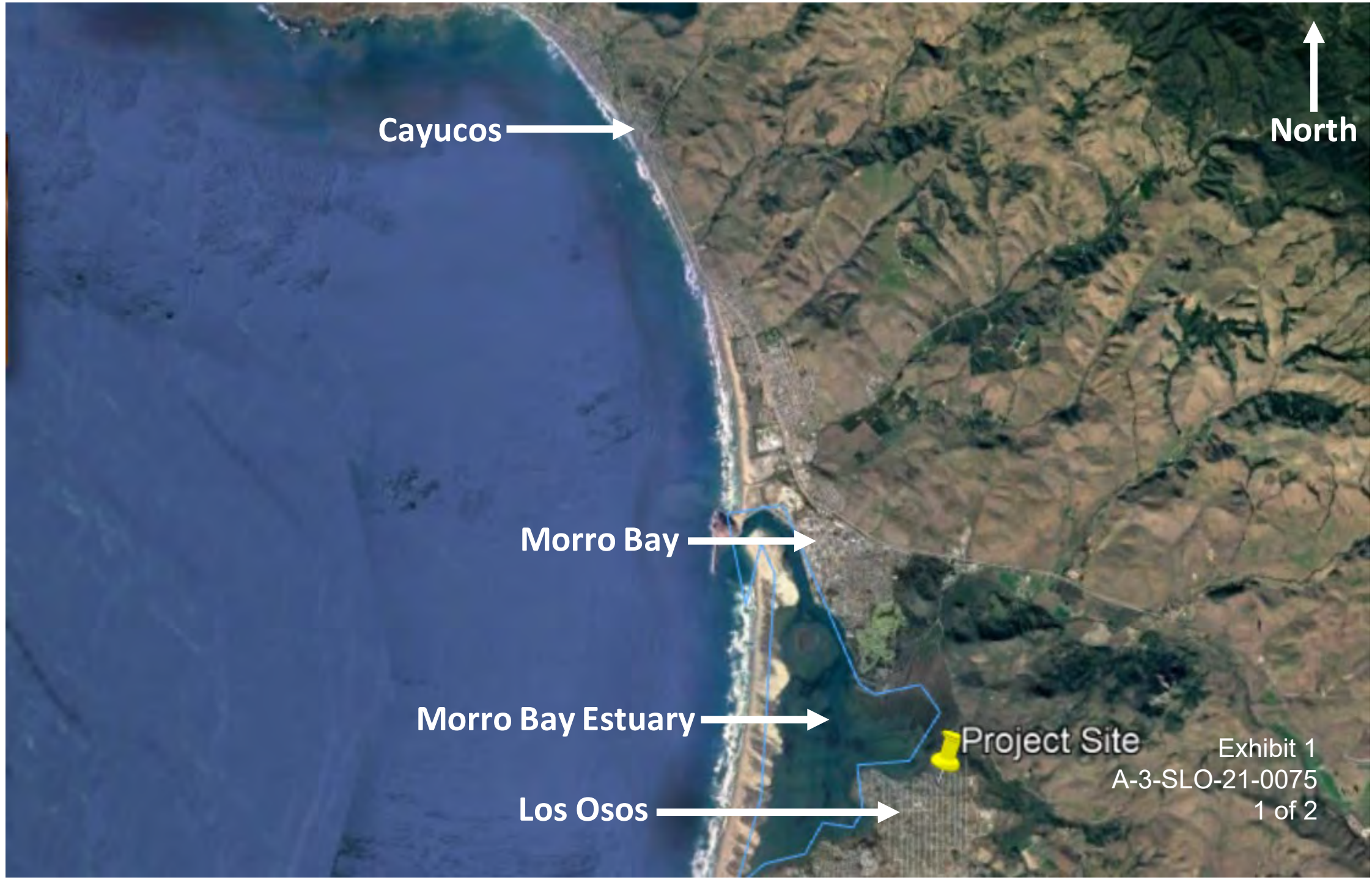
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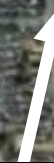
Cayucos



Morro Bay Estuary

Elfin Forest

Project Site



1214 Santa Ysabel

Los Osos



Exhibit 1
A-3-SLO-21-0075
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Google Earth



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

October 8, 2021

Shawn Stamback
1214 Santa Ysabel
Los Osos, CA 93402

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-SLO-21-0985
APPEAL PERIOD 11/2/21-11/16/21

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: October 1, 2021
SUBJECT: **County File Number: DRC2020-00232**
Minor Use Permit / Coastal Development Permit

RECEIVED

NOV 01 2021

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

LOCATED WITHIN COASTAL ZONE: YES
COASTAL APPEALABLE: YES

On **October 1, 2021**, the above referenced application was approved by the **Planning Department Hearing** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

If you disagree with this action, pursuant to the County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042, and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted to the Director of the Department of Planning and Building on the proper Department appeal form, as provided on the County website. The appeal form must be submitted with an original signature; a facsimile will not be accepted.

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043.d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action may be directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County

cannot take any further administrative actions for the proposed development, including but not limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period, including any suspension of the appeal period by the Coastal Commission pursuant to CZLUO 23.02.039, have expired without an appeal being filed.

Additionally, should a local appeal be filed, and the County approves the application on appeal, that action would be appealable to the California Coastal Commission, pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. An appellant may include any of the following: an applicant, an aggrieved person as defined in CZLUO 23.01.043 and any two California Coastal Commissioners. CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide ten (10) working days for an appellant to appeal the County's Final Action. The County Coastal Zone Land Use Ordinance and Coastal Act contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commission's Santa Cruz Office at (831) 427-4863.

Please note that exhaustion of local appeals at the County level is almost always required prior to appealing the matter to the California Coastal Commission. Three exceptions apply to this requirement as provided in CZLUO Section 23.01.043.b(1) (3).

If you have any questions regarding your project, please contact Ian Landreth at 805-781-5600.

Sincerely,

Daniela Chavez

Daniela Chavez, Secretary
County of San Luis Obispo
Department of Planning & Building

EXHIBIT A – FINDINGS
STAMBACK (DRC2020-00232)

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1 and Class 3) pursuant to CEQA Guidelines Section 15301 and 15303. The project consists of an addition to an existing residence and guesthouse that would result in a less than a fifty percent expansion of the existing floor area, which is allowed under Section 15301(e) of the CEQA Guidelines. The project includes the construction of an attached deck above an existing garage, which is classified as an accessory structure(s) under Section 15303(e) of the CEQA Guidelines.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the addition is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on 13th St., a local residential road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is required to stop if any resources happen to be found during construction. A survey of the site was conducted by Cultural Resources Assessment which found no resources on the site.

**EXHIBIT B - CONDITIONS OF APPROVAL
STAMBACK (DRC2020-00232)**

Approved Development

1. This approval authorizes:
 - a. Construction of a 370-square-foot single story addition to an existing 997-square-foot residence
 - b. New second-story 546-square-foot guesthouse and attached 290-square-foot deck above an existing 506-square-foot detached garage.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting (if applicable). The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Drainage & Flood Hazard

4. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.036 of the Land Use Ordinance.
5. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Fire Safety

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

7. **At the time of application for construction permits**, the applicant shall provide a letter from Los Osos Community Services District stating they are willing and able to service the property.
8. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal.

Access

9. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works plans, fees, and post a cash damage bond, to install improvements within the public right-of-way in accordance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and County Public Improvement Standards, unless already constructed and acceptable

or design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards. The plans are to include, as applicable:

- a. The existing Santa Ysabel Avenue driveway improvements fronting the project site shall be reconstructed to repair deteriorated improvements and/or upgraded as required to conform to current Public Improvement Standards per the B-1a rural driveway standard.
- b. The corner of Santa Ysabel Avenue and 13th Street shall be improved with an ADA-compliant multi-directional curb ramp (C-5) with sidewalk terminus ramp (C-7) to meet existing grade on the project side of Santa Ysabel Avenue.
- c. Drainage ditches, culverts, and other structures (if drainage calculations require).
- d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
- e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
- f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).

Stormwater

10. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) may be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application and supporting documents or Stormwater Post Construction Requirements Waiver Request Form.

Stormwater Control Plan (SWCP)

11. **At the time of application for construction or grading permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 - i. Structural Control Measure Description (Exhibit B)
 - ii. Stormwater System Contact Information
 - iii. Stormwater System Plans and Manuals
 - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

Conditions to be completed prior to issuance of a construction permit

Fees

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Setbacks

13. Prior to issuance of a construction permit, the applicant shall provide certification from a licensed land surveyor or civil engineer that the detached deck meets the setback requirements in Section 23.04.100 in the Coastal Zone Land Use Ordinance.

Building Height

14. The maximum height of the project is 28' feet (as measured from average natural grade). The proposed guesthouse is approximately 18 feet in height.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

15. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures as deemed necessary by Cal Fire.
16. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
17. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
18. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

On-going conditions of approval (valid for the life of the project)

19. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.
20. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

DEPARTMENT OF PLANNING AND BUILDING MEETING PROCEDURES

Planning Department Hearings are conducted under the authority of the Hearing Officer. Each item scheduled for public hearing at a Planning Department Hearing will be announced by the Hearing Officer and the hearing will be conducted as follows:

1. The Planning Department staff will present the staff report and recommendation on the matter being heard.
2. The Hearing Officer will open the public hearing and will first ask the project applicant (if any) to present any points they feel the Planning Department Hearings should understand about their proposal.
3. The Hearing Officer will ask other interested persons to present any testimony they wish to give about the proposal being considered.
4. The Hearing Officer will offer the project applicant an opportunity for rebuttal of any testimony against the proposal or to clarify information previously presented.

RULES FOR PRESENTING TESTIMONY

All persons who wish to present testimony to the Planning Department Hearings in a public hearing must observe the following rules:

1. When beginning to speak, first identify yourself and place of residence. This is required for the public record. Planning Department Hearings are tape recorded.
2. All remarks must be addressed to the Hearing Officer. Conversation or debate between a speaker and a member of the audience is not permitted.
3. Please keep your remarks as brief as possible. When a number of speakers wish to testify on the same project, the Hearing Officer may limit the time for testimony to 3 minutes for individuals and 8 minutes for persons representing a group. Focus your testimony on the most important facts you wish to be considered. Avoid duplicating testimony provided by others.
4. Whenever possible, written testimony should be presented as well as oral. Written testimony can be submitted for Planning Department Hearings consideration in advance of the actual hearing date.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the Board of Supervisors up to 14 days after the date of action, in writing, to the Planning Department. If legitimate coastal resource issues related to our local Coastal Program are raised in the appeal, there will be no fee. If an appeal is filed for an inland project, or for a coastal project with no legitimate coastal issues, there will be a fee set by the current fee schedule. If a fee is required, it must accompany the appeal form. The appeal will not be considered complete if a fee is required but not paid. There must be an original form and original signature, a FAX is not accepted.

Planning Department Hearings decisions may also be appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. Exhaustion of appeals at the county is required prior to appealing the matter to the California Coastal Commission. The appeal to the Board of Supervisors must be made to the Planning Commission Secretary, Department of Planning and Building, and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Contact the Coastal Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures.

HEARING IMPAIRED: There are devices available for the hearing impaired upon request.

ON THE INTERNET

This agenda may be found on the internet at: <http://www.sloplanning.org> under Upcoming Events. For further information, please call (805) 781-5718.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

Tentative Notice of Action

MEETING DATE October 1, 2021 LOCAL EFFECTIVE DATE October 15, 2021 APPROX FINAL EFFECTIVE DATE October 19, 2021	CONTACT/PHONE Ian Landreth / 805-781-1298 ilandreth@co.slo.ca.us	APPLICANT Shawn & Tiffany Stamback	FILE NO. DRC2020-00232
SUBJECT Request by Shawn and Tiffany Stamback for a Minor Use/Coast Development Permit to allow for a 370-square-foot single story addition to an existing 997-square-foot residence, and a second-story 546-square-foot guesthouse and attached 290-square-foot deck above an existing 506-square-foot detached garage. The project will result in the disturbance of approximately 370 square feet of a 6,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1214 Santa Ysabel Ave in the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2020-00232 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 and Class 3 Categorical Exemption was issued on May 18, 2021 (ED21-150).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Program, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 038-072-027	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Height limitations & lot coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Setbacks, Archaeologically Sensitive Area, Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Single Family Residential <i>East:</i> Single Family Residential <i>South:</i> Single Family Residential <i>West:</i> Single Family Residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Group, Public Works, Environmental Health, Building Division, CDF, Los Osos Community Services District, Regional Water Quality Control Board, and the California Coastal Commission	
TOPOGRAPHY: Generally level	VEGETATION: Grasses and Ornamental Vegetation
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community System Fire Protection: CalFire/County Fire	ACCEPTANCE DATE: May 18, 2021

DISCUSSION

PLANNING AREA STANDARDS

RESIDENTIAL SINGLE FAMILY

D. Baywood Park Area

1. Height Limitations:

Maximum height shall be 28 feet (as measured from average natural grade).

Staff Comments: The project complies with this requirement as the proposed second-story guesthouse is at approximately 18 feet.

2. Lot Coverage:

Maximum lot coverage permitted on a single 25 foot lot is 60%; Lots of 6,000 square feet or more are allowed a 40% lot coverage (excluding patios, driveway, walks etc.).

Staff Comments: The lot size is 6,000 square feet which allows for a lot coverage of 2,500 square feet. The proposed project complies with this standard at a maximum proposed coverage of 2,419 square feet.

COASTAL ZONE LAND USE ORDINANCE STANDARDS

23.04.100 - Setbacks: Setbacks for this property are given in the Coastal Zone Land Use Ordinance and are as follows: Front is 25 feet, Side is 5 feet, and rear is 10 feet.

Staff Comments: The project, as conditioned, complies with this standard.

Local Coastal Program: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 7, 8, and 10

Visual and Scenic Resources: N/A

Hazards: ☒

Policy No(s): 1 and 2

Archeology: ☒

Policy No(s): 4

Air Quality: N/A

Public Works:

Policy 1: Availability of Service Capacity applies to the project. A letter (if applicable) from Los Osos Community Services District is required prior to building permit issuance.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the proposed addition and guesthouse will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an Erosion and Sedimentation Control Plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new structure will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas applies to the project. The Preliminary Site Survey conducted for the parcel by Cultural Resources Assessment dated March 2020 found no significant historic or pre-historic materials on the property.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COMMUNITY ADVISORY GROUP COMMENTS:

The project was referred to the Los Osos Community Advisory Council (LOCAC) for review and comment. LOCAC voted to approve the project at the July 22, 2021, meeting.

AGENCY REVIEW:

Public Works - See attached comment letter from David Grimm of the Public Works Department dated January 15, 2021.

Building Division - See attached email response from Sylvia Aldana of the Building Division dated January 29, 2021.

Stormwater - (Building) See the attached email response from Anthony Schuetze of the Building Division Stormwater Program dated February 1, 2021.

Cal Fire- No response.

California - Coastal Commission No response.

LEGAL LOT STATUS:

The lot was legally created by a recorded parcel map at a time when that was a legal method of creating lots.

Staff report prepared by Ian Landreth and reviewed by Kerry Brown.

EXHIBIT A – FINDINGS
MINOR USE PERMIT / DRC2020-00232 / STAMBACK

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1 and Class 3) pursuant to CEQA Guidelines Section 15301 and 15303. The project consists of an addition to an existing residence and guesthouse that would result in a less than a fifty percent expansion of the existing floor area, which is allowed under Section 15301(e) of the CEQA Guidelines. The project includes the construction of an attached deck above an existing garage, which is classified as an accessory structure(s) under Section 15303(e) of the CEQA Guidelines.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the addition is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on 13th St., a local residential road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is required to stop if any resources happen to be found during construction. A survey of the site was conducted by Cultural Resources Assessment which found no resources on the site.

**EXHIBIT B - CONDITIONS OF APPROVAL
MINOR USE PERMIT / DRC2020-00232 / STAMBACK**

Approved Development

1. This approval authorizes:
 - a. Construction of a 370-square-foot single story addition to an existing 997-square-foot residence
 - b. New second-story 546-square-foot guesthouse and attached 290-square-foot deck above an existing 506-square-foot detached garage.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting (if applicable). The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Drainage & Flood Hazard

4. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.036 of the Land Use Ordinance.
5. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Fire Safety

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

7. **At the time of application for construction permits**, the applicant shall provide a letter from Los Osos Community Services District stating they are willing and able to service the property.
8. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal.

Access

9. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works plans, fees, and post a cash damage bond, to install improvements within the public right-of-way in accordance with Section 23.05.106 (Curbs,

Gutters and Sidewalks) of the Land Use Ordinance and County Public Improvement Standards, unless already constructed and acceptable or design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards. The plans are to include, as applicable:

- a. The existing Santa Ysabel Avenue driveway improvements fronting the project site shall be reconstructed to repair deteriorated improvements and/or upgraded as required to conform to current Public Improvement Standards per the B-1a rural driveway standard.
- b. The corner of Santa Ysabel Avenue and 13th Street shall be improved with an ADA-compliant multi-directional curb ramp (C-5) with sidewalk terminus ramp (C-7) to meet existing grade on the project side of Santa Ysabel Avenue.
- c. Drainage ditches, culverts, and other structures (if drainage calculations require).
- d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
- e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
- f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).

Stormwater

10. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) may be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application and supporting documents or Stormwater Post Construction Requirements Waiver Request Form.

Stormwater Control Plan (SWCP)

11. **At the time of application for construction or grading permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 - i. Structural Control Measure Description (Exhibit B)
 - ii. Stormwater System Contact Information
 - iii. Stormwater System Plans and Manuals
 - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an

agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

Conditions to be completed prior to issuance of a construction permit

Fees

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Setbacks

13. Prior to issuance of a construction permit, the applicant shall provide certification from a licensed land surveyor or civil engineer that the detached deck meets the setback requirements in Section 23.04.100 in the Coastal Zone Land Use Ordinance.

Building Height

14. The maximum height of the project is 28' feet (as measured from average natural grade). The proposed guesthouse is approximately 18 feet in height.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

15. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures as deemed necessary by Cal Fire.
16. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
17. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
18. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

On-going conditions of approval (valid for the life of the project)

19. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.
20. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

Planning Department Hearing October 1, 2021



**Stamback / Minor Use Permit/Coastal
Development Permit
DRC2020-00232**

Project Description

- 370-square-foot single story addition to an existing 997-square-foot residence.
- 546-square-foot guesthouse and attached 290-square-foot deck above an existing 506-square-foot detached garage.
- Approximately 370 square feet of a 6,000 square foot parcel.



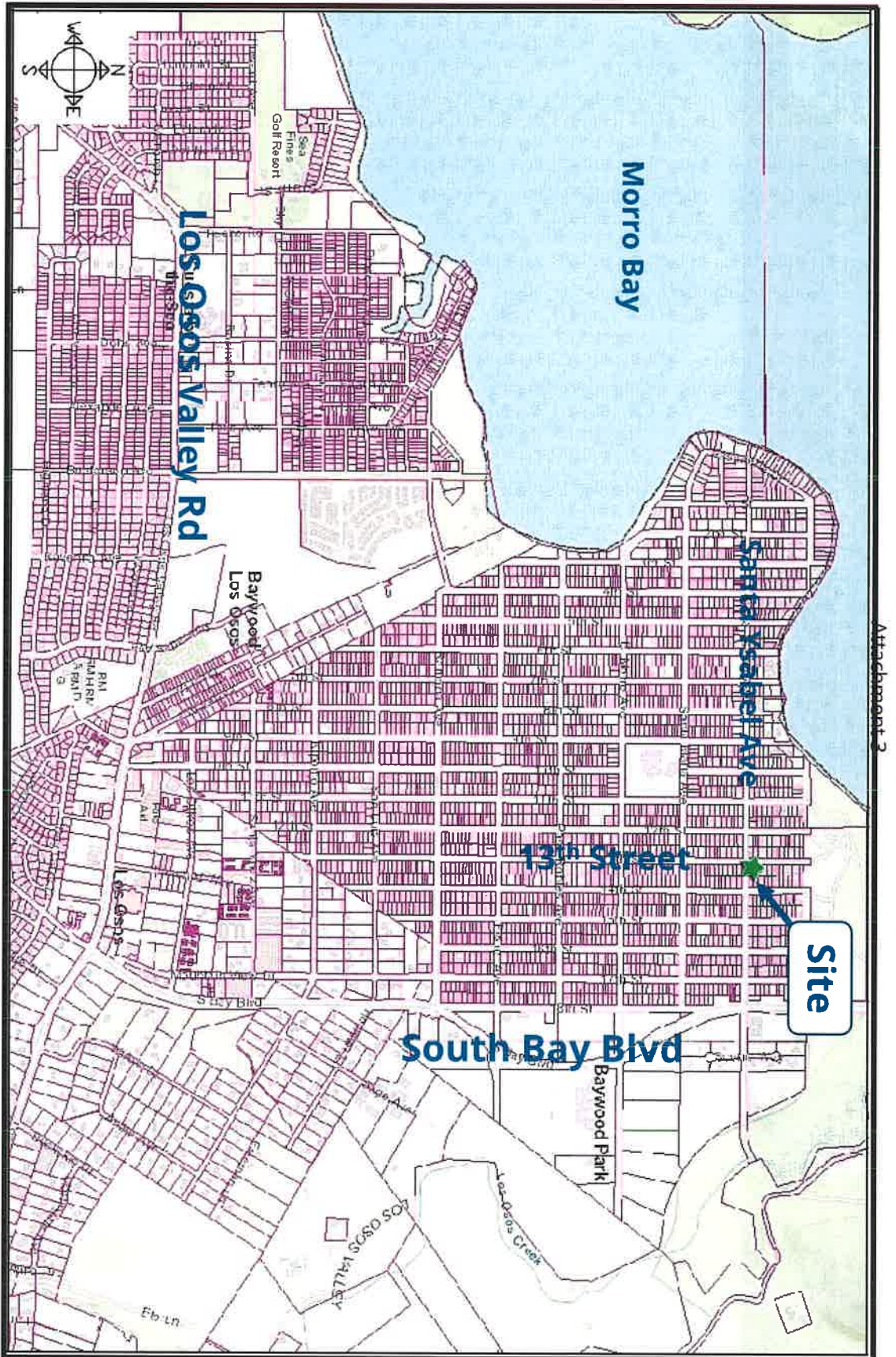


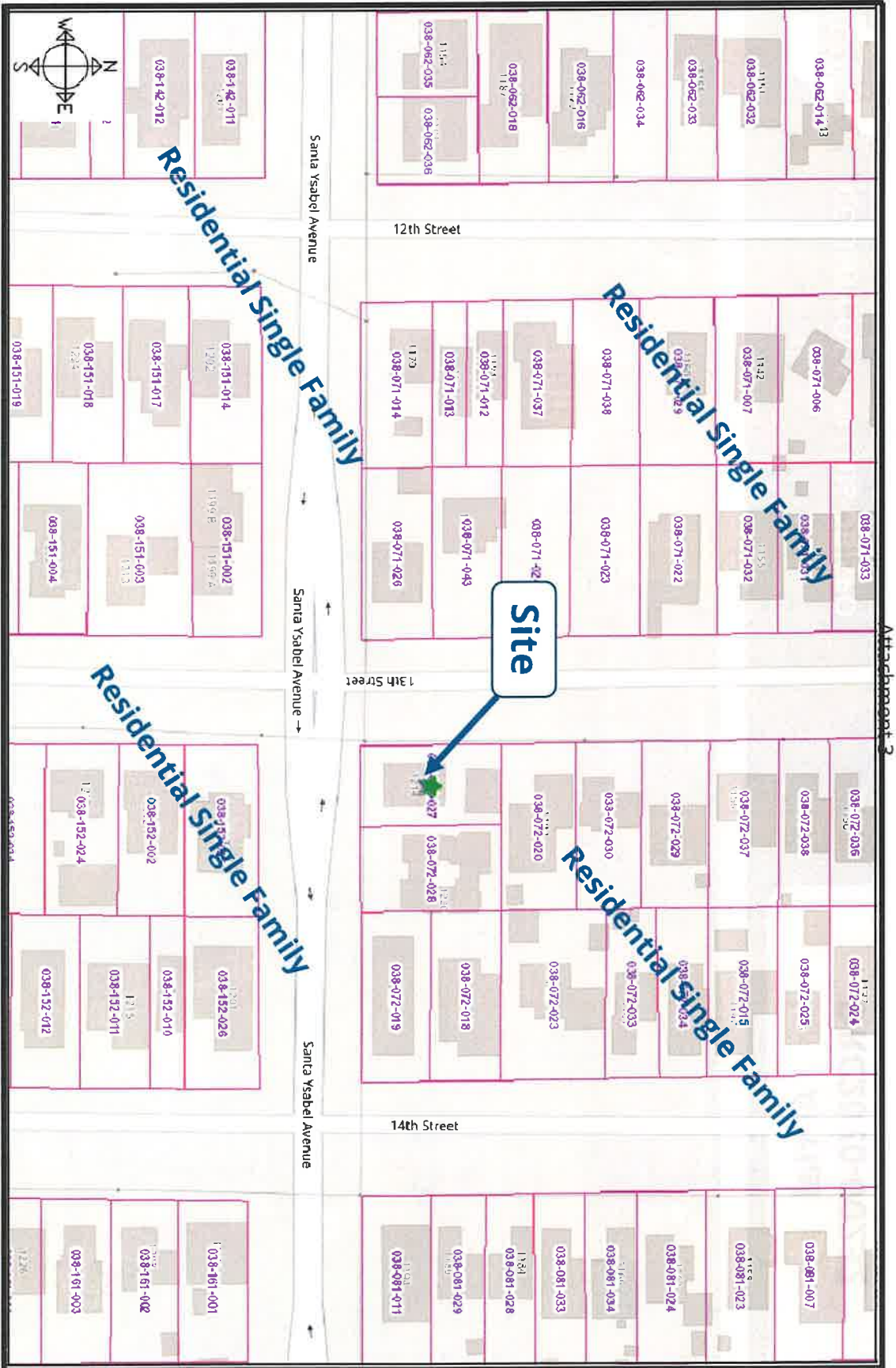
COUNTY OF SAN LUIS OBISPO

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Vicinity Map DRC2020-00232

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COUNTY OF SAN LUIS OBISPO

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Land Use Category Map
DRC2020-00232



COUNTY OF SAN LUIS OBISPO

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Aerial

DRC2020-00232

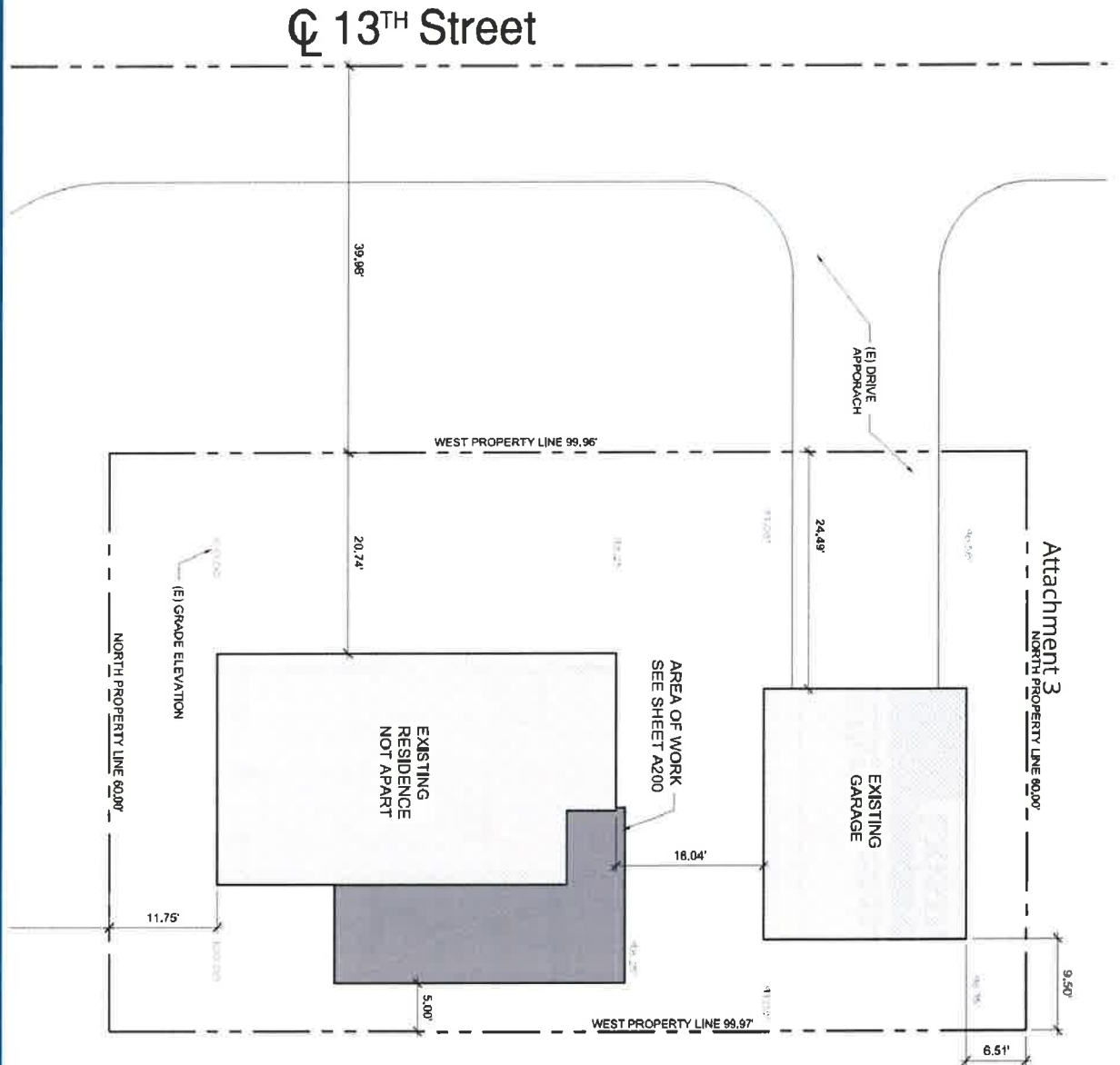


COUNTY OF SAN LUIS OBISPO

Page 6 of 13

Site Plan (House addition)
DRC2020-00232

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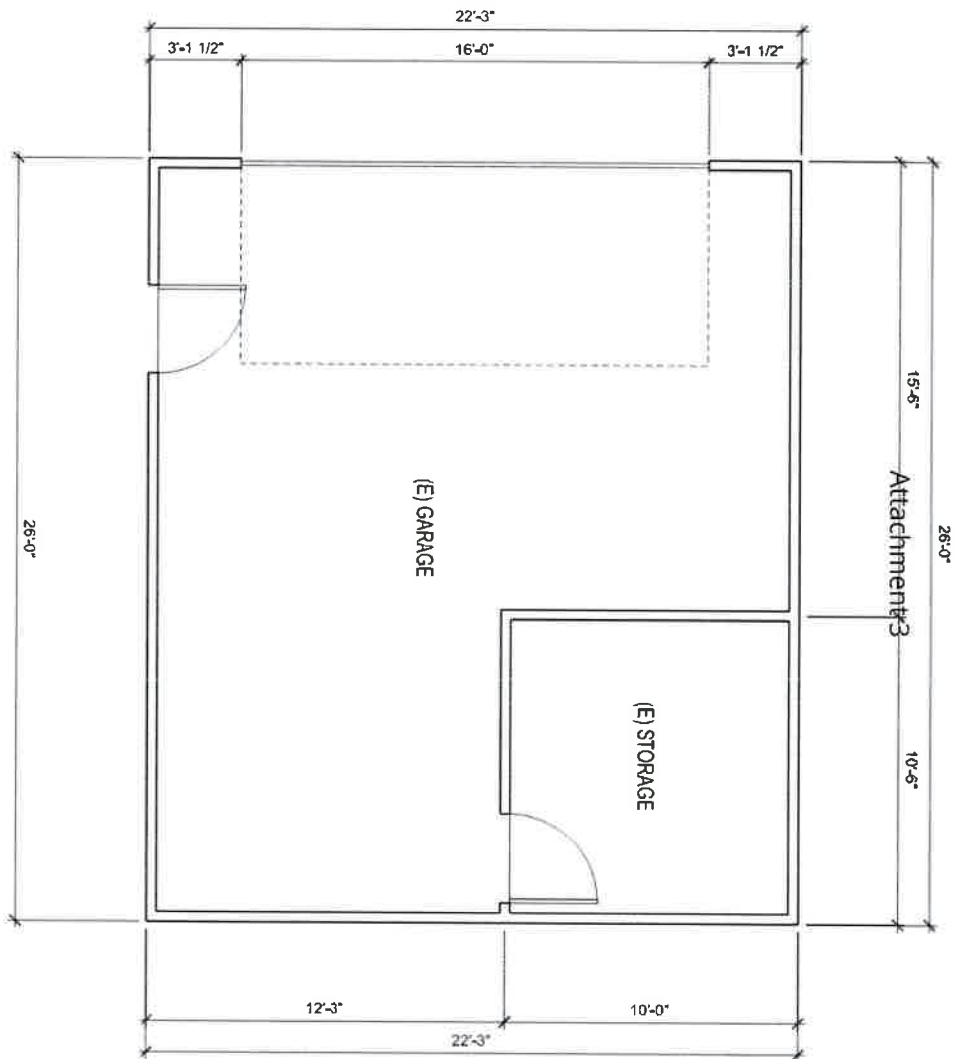
COUNTY OF SAN LUIS OBISPO

Page 9 of 13

Existing Floor Plan (Garage)
DRC2020-00232

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EXISTING GARAGE FLOOR PLAN (578.50 sq ft)



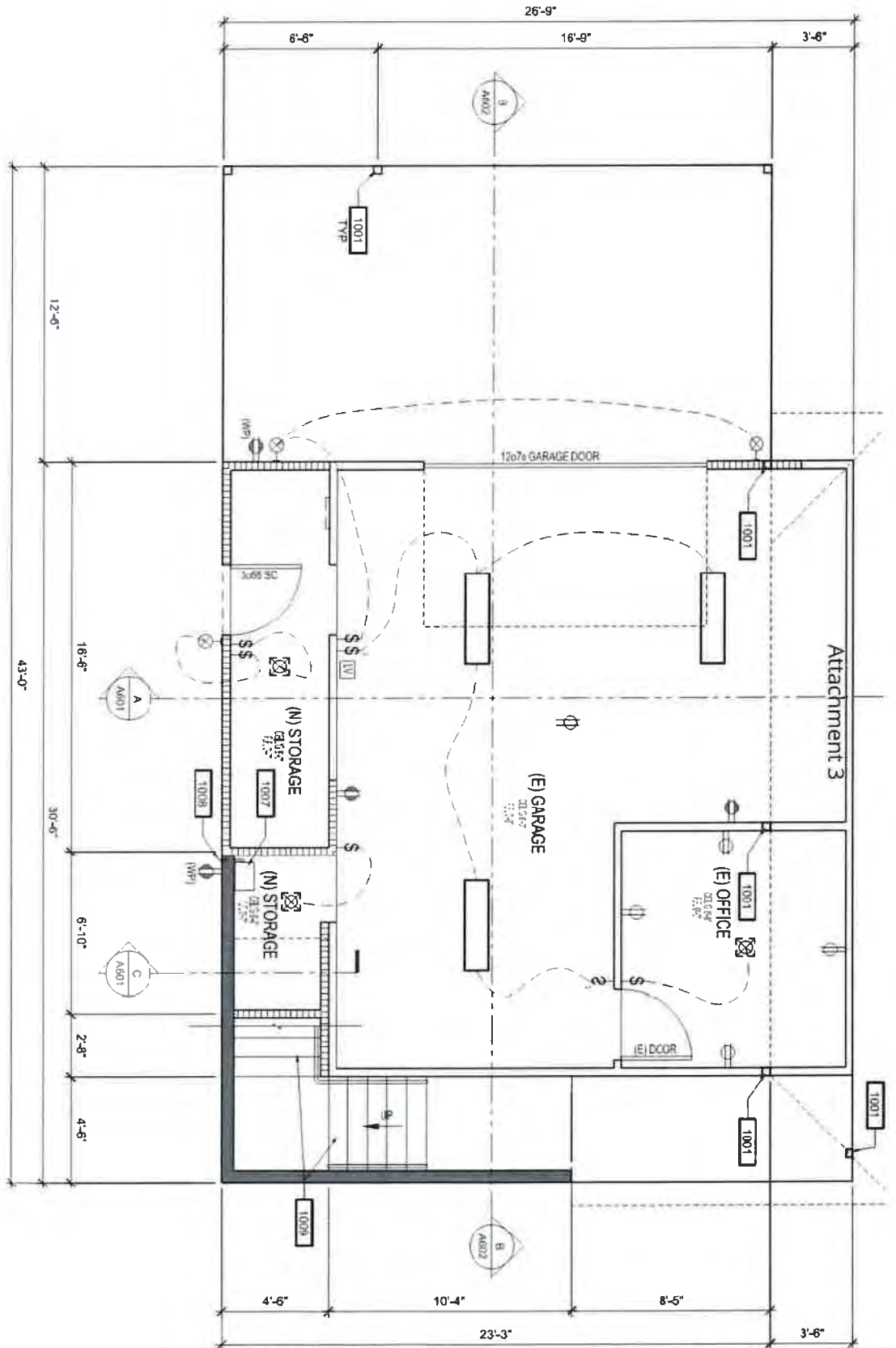


COUNTY OF SAN LUIS OBISPO

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Proposed Floor Plan (Garage)
DRC2020-00232

Proposed 1st Floor Plan





COUNTY OF SAN LUIS OBISPO

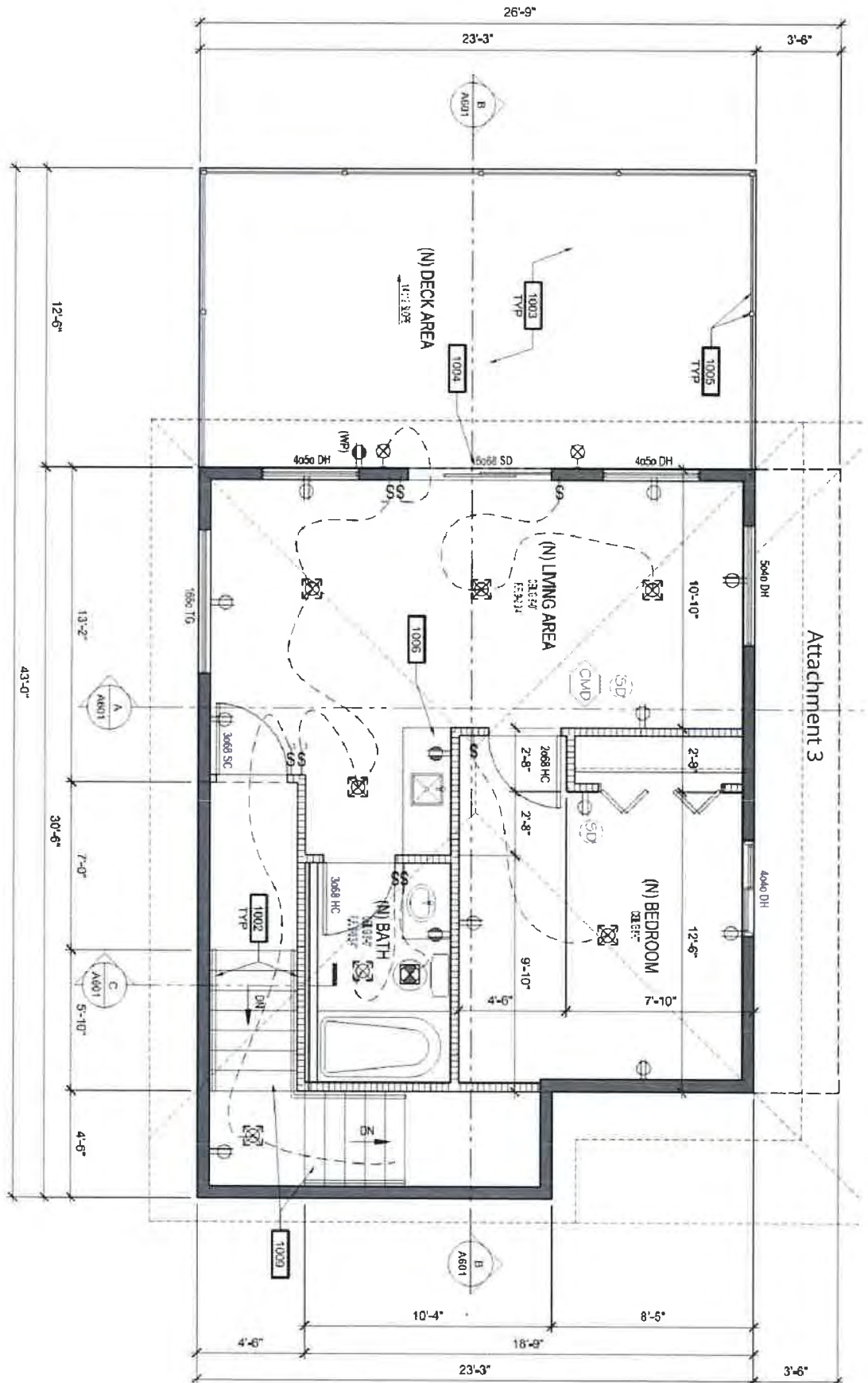
Proposed Floor Plan (Guesthouse)

DRC2020-00232

Proposed 2nd Floor Plan

(Guesthouse Conditional Space: 546 sq. ft. - Deck Area 280 sq. ft.)

Scale 1/4" = 1'-0"



Recommendations

1. Approve Minor Use Permit DRC2020-00232 based on the findings listed in Exhibit A the conditions listed in Exhibit B.



Questions?



COUNTY OF SAN LUIS OBISPO

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING****PLN-1123****03/22/2018****Notice of Exemption****Project Title and No.:** Stamback, Minor Use Permit/Coastal Development Permit, DRC2020-00232/ ED21-150**Project Location:** 1214 Santa Ysabel Ave, Los Osos, CA 93402**Project Applicant/Phone No./Email:**

Tiffany Stamback / 559-901-7114 / klsafina@aol.com

Applicant Address (Street, City, State, Zip):

2873 Rodman Drive, Los Osos, CA 93402

Description of Nature, Purpose and Beneficiaries of Project

Request by **Shawn and Tiffany Stamback** for a Minor Use/Coast Development Permit to allow for a 370-square-foot single story addition to an existing 997-square-foot residence, and a second-story 546-square-foot guesthouse and attached 290-square-foot deck above an existing 506-square-foot detached garage. The project will result in the disturbance of approximately 370 square feet of a 6,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1214 Santa Ysabel Ave in the community of Los Osos. The site is in the Estero planning area.

Name of Public Agency Approving Project:

County of San Luis Obispo

Exempt Status:

- | | | |
|-------------------------------------|-------------------------|--|
| <input type="checkbox"/> | Ministerial | {Sec. 21080(b)(1); 15268} |
| <input type="checkbox"/> | Declared Emergency | {Sec. 21080(b)(3); 15269(a)} |
| <input type="checkbox"/> | Emergency Project | {Sec. 21080(b)(4); 15269(b)(c)} |
| <input checked="" type="checkbox"/> | Categorical Exemption. | {Sec. <u>15301&3</u> ; Class: 1,3} |
| <input type="checkbox"/> | Statutory Exemption | {Sec. ____} |
| <input type="checkbox"/> | General Rule Exemption. | {Sec. 15061(b)(3)} (also complete GRE form PLN-1124) |
| <input type="checkbox"/> | Not a Project ____ | |

Reasons why project is exempt:

The project qualifies for a Categorical Exemption (Class 1 and Class 3) pursuant to CEQA Guidelines Section 15301 and 15303. The project consists of an addition to an existing residence and guesthouse that would result in a less than a fifty percent expansion of the existing floor area, which is allowed under Section 15301(e) of the CEQA Guidelines. The project includes the construction of an attached deck above an existing garage, which is classified as an accessory structure(s) under Section 15303(e) of the CEQA Guidelines.

Ian Landreth

(805) 781-1298 / ilandreth@co.slo.ca.us

Lead Agency Contact Person (Name, Number, E-mail)**If filed by applicant:**

1. Attach certified document of exemption finding
2. Has a notice of exemption been filed by the public agency approving the project? Yes ☐ No ☐

Signature: _____**Date:** _____**Name:** Ian Landreth**Title:** Project Manager

On _____ the project was Approved by:

- ☐ Board of Supervisors
☐ Planning Commission ☐ Subdivision Review Board ☒ Planning Dept Hearing Officer ☐ Other



COUNTY OF SAN LUIS OBISPO
Department of Public Works
 John Diodati, Interim Director

RECOMMENDED CONDITIONS

Date: January 15, 2021
 To: Ian Landreth, Project Planner
 From: David E. Grim, Development Services
Subject: DRC2020-00232 Stamback MUP 1214 Santa Ysabel Ave., Los Osos, APN 038-072-027

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The project site is located on Santa Ysabel Avenue, a County maintained local street. The applicant must satisfy Caltrans concerns, if any, regarding impacts to their facilities.
- B. The proposed project triggers Curb Gutter and Sidewalk requirements per County Code Section 23.05.106. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance, the owner must post a performance bond in accordance with the ordinance. The applicant may apply for a waiver through the Planning and Building Department in accordance with 23.05.106(d); however, there is no guarantee that a waiver will be granted.
- C. The proposed project is within the Los Osos Road Fee Area. Payment of Road Improvement Fees for the Accessory Dwelling Unit would be required prior to building permit issuance. The fee, if the ADU is 750 square feet or greater, is calculated using a flat rate based on proportion of the median ADU and median SFD (per Gov. Code 65852.2). If under 750 square feet, the ADU is exempt from the fee. At the time of application, the proposed ADU was approximately 670 square feet and therefore exempt from the fee.
- D. This project may be a regulated project as it is located in a Stormwater Management Area (MS4) and is therefore required to submit a Stormwater Control Plan (SWCP) Application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form at time of construction permits.
- E. The site is within the Los Osos Groundwater Basin and may be subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works plans, fees, and post a cash damage bond, to install improvements within the public right-of-way in accordance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and County Public Improvement Standards, unless already constructed and acceptable or design

County of San Luis Obispo Department of Public Works

Page 1 of 3

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
 pwd@co.slo.ca.us | slocounty.ca.gov

exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards. The plans are to include, as applicable:

- a. The existing Santa Ysabel Avenue driveway improvements fronting the project site shall be reconstructed to repair deteriorated improvements and/or upgraded as required to conform to current Public Improvement Standards per the B-1a rural driveway standard.
 - b. The corner of Santa Ysabel Avenue and 13th Street shall be improved with an ADA-compliant multi-directional curb ramp (C-5) with sidewalk terminus ramp (C-7) to meet existing grade on the project side of Santa Ysabel Avenue.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
2. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.
 3. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

Drainage & Flood Hazard

4. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.036 of the Land Use Ordinance.
5. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Stormwater Control Plan (SWCP):

6. **At the time of application for construction or grading permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals

- c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
7. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

G:\Development\DEVserv Referrals\Land Use Permits\MUP\DRC2020\DRC2020-00232 Stamback MUP 1214 Santa Ysabel Ave., Los Osos\DRC2020-00232 Stamback MUP 1214 Santa Ysabel Ave., Los Osos.docx

From: Sylvia Aldana
Sent: Friday, January 29, 2021 3:54 PM
To: Ian N. Landreth
Cc: Michael Stoker; Don C. Moore; Cheryl Journey
Subject: Re: New- Project Referral - Minor Use Permit DRC2020-00232 (Stamback)

Hello Ian,

The following are the Building Division Comments for Planning Project Plan Check Request: DRC2020-00232

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of the construction for a 257 SF addition to an existing single family residence and the construction of an accessory dwelling unit (ADU) above the detached garage located at 1214 Santa Ysabela Ave. Los Osos, Ca. The project shall comply with current codes adopted by the County of San Luis Obispo (2019 California Building Standards Codes and Title 19 of the SLO County Codes).

While a thorough plan review will be conducted at the time of building permit application, the following items are noted to assist design review and not necessarily be considered complete, due to the plans not being the final permit submittal package;

1. Construction shall comply with the 2019 California Residential Code.
2. A separate building permits will be required for the addition and for the ADU. A separate permit will also be required for fire sprinklers.
3. Please provide a building tabulation on the plans which clearly shows the square footage of the area(s) to be remodel, added, and / or remain untouched.
4. Provide plans which clearly show the structural design for the project to verify compliance with the prescriptive requirements of the 2019 California Residential Code or any structural element(s) not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design. All supporting documentation (structural calculations, truss calculations, product information, etc) will need to be provided as well.
5. The design of the openings, projections, wall rating based on fire separation distance will need to be shown on the plans to comply with CRC Section 302, including Table 302.1(2) for buildings with sprinklers.
6. The design of the stairs, handrails, and guardrails need to be detailed on the plans to verify compliance with the 2019 California Residential Code.
7. Label all egress windows on the plans to verify compliance with size and height per the California Residential Code.
8. Provide electrical plans with notes to show the location of the main electrical panel, sub-panels, receptacles, lights, switches, and smoke detectors and Co alarms to verify compliance with the 2019 California Electrical Code.

9. Provide notes and information on the plans for the septic system, plumbing fixtures requirements, the waste lines, vents, and water lines will all need to comply with the 2019 California Plumbing Code.
10. Energy calculation will need to be submitted to verify compliance with the 2019 California Energy Code.
11. The plans will need to show compliance with the 2019 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.
12. A grading plan may be required depending on the total area of disturbance and a SWPPP will be required if the total area of disturbance is over an acre.
13. Fire sprinklers will be required under a separate permit application if the project consists of a remodel of 50% of the existing floor area to comply with Title 19 Table 302.2. Provide plans showing the design and layout for the sprinkler system.

Sylvia Aldana

Plans Examiner III

County of San Luis Obispo

Planning and Building Department

(p) 805-781-4671

(f) 805-781-1242

saldana@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Monday, January 11, 2021 10:25 AM
To: Cheryl Journey <cjourney@co.slo.ca.us>; Don C. Moore <dcmoore@co.slo.ca.us>; Michael Stoker <mstoker@co.slo.ca.us>; Anthony Schuetze <aschuetze@co.slo.ca.us>; brian.o'neill@coastal.ca.gov <brian.o'neill@coastal.ca.gov>; Lauren Burrus <lburrus@co.slo.ca.us>; Michelle Freeman <mfreeman@co.slo.ca.us>; Sylvia Aldana <saldana@co.slo.ca.us>; Loree.McRoberts@fire.ca.gov <Loree.McRoberts@fire.ca.gov>; David Grim <dgrim@co.slo.ca.us>; Edward Reading <ereading@co.slo.ca.us>; JR Beard <rbeard@co.slo.ca.us>; David Grim <dgrim@co.slo.ca.us>; Peter Moreci <PMoreci@co.slo.ca.us>; Rene Brill <rbrill@co.slo.ca.us>; Wendell Wilkes <wwilkes@co.slo.ca.us>; Angela Spannbauer <aspannbauer@co.slo.ca.us>; Lesa Gofourth <lgofourth@co.slo.ca.us>; Ross Felthousen <rfelthousen@co.slo.ca.us>; jstranlund@co.slo.ca.us <jstranlund@co.slo.ca.us>; Leslie Terry <lterry@co.slo.ca.us>; Sarah Paulson <sarah.paulson@wildlife.ca.gov>; R4CEQA@wildlife.ca.gov <R4CEQA@wildlife.ca.gov>; Craig.Bailey@wildlife.ca.gov <Craig.Bailey@wildlife.ca.gov>; Christopher Diel <roger_root@fws.gov>; leilani takano@fws.gov <leilani takano@fws.gov>; glen knowles@fws.gov <glen knowles@fws.gov>; leilani takano@fws.gov <leilani takano@fws.gov>; MarkZ_gswater.com <MarkZ@gswater.com>; ldees@gswater.com <ldees@gswater.com>
Cc: Ian N. Landreth <ilandreth@co.slo.ca.us>; Nicole Ellis <nellis@co.slo.ca.us>
Subject: New- Project Referral - Minor Use Permit DRC2020-00232 (Stamback)

**County of San Luis Obispo
Department of Planning & Building**

We are requesting your review of this recently submitted application as the proposed project may be of interest or concern to your department/agency. Please click the direct hyperlink below:

[DRC2020-00232 \(sloplanning.org\)](https://www.sloplanning.org/DRC2020-00232)

PROJECT NUMBER & NAME: STAMBACK Minor Use Permit DRC2020-00232

PROJECT DESCRIPTION*: Proposed Minor Use Permit/Coastal Development Permit to construct a 257-square-foot addition to an existing single-family residence and ADU above detached garage located at 1214 Santa Ysabel Ave, Los Osos, CA, located in the Estero Planning Area.

APN(s): **038-072-027**

Direct comments or questions on this application to the project manager(s):

Nicole Ellis (NEllis@co.slo.ca.us) or Ian Landreth (llandreth@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

Referral Response:

As part of your response to this referral, please consider the following questions:

- Are there significant concerns, problems or impacts in your area of review?
- If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.
- If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.
- What does the community like or dislike about the project or proposal?
- Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?
- Does the community believe the road(s) that provide access to the site is(are) already overcrowded?
- Does the community wish to have a trail in this location?
- If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?
- Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

**All information and/or material provided in the linked Referral Package is valid for 90 days after this correspondence. If current or additional information is needed, please contact the Project Manager for the most updated information.*

Please [click here](#) to update your referral contact information

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 1/7/2021

TO: 2nd District Legislative Assistant, California Coastal Commission, Los Osos Community Advisory Council, Los Osos Community Services District, Public Works, Building Division (including Stormwater), Cal Fire/ County Fire, Assessors Office, Environmental Health, California Department of Fish and Wildlife, U.S. Department of Fish and Wildlife, Golden State Water

FROM: Ian Landreth (ilandreth@co.slo.ca.us) / (805) 781-1298

PROJECT NUMBER & NAME: STAMBACK / DRC2020-00232

PROJECT DESCRIPTION*: Proposed Minor Use Permit/Coastal Development Permit to construct a 257-square-foot addition to an existing single-family residence and ADU above detached garage located at 1214 Santa Ysabel Ave, Los Osos, CA, located in the Estero Planning Area.

APN(s): 038-072-027

Please submit comments within 14 days from receipt of this referral. CACs please respond within 60 days. Thank you. In your response, please consider and/or indicate the following:

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☒ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

☒ Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE INDICATE (VIA E-MAIL OR PHONE).

Date

Name

Phone

See attached *Information and/or material provided in the following Referral Package is valid for 90 days after this correspondence. After that time please contact the Project Manager for the most updated information.*

2/1/2021

Anthony Schuetze

805-781-5602

976 Osos Street, Room 300 | San Luis Obispo, CA 93408 | (P) 805-781-5600 | 7-1-1 TTY/TRS Relay
planning@co.slo.ca.us | www.sloplanning.org



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

Date: February 1, 2021

To: Ian Landreth

From: Anthony Schuetze, Stormwater Program Manager

Subject: Referral Comments, DRC2020-00232

Thank you for the opportunity to provide information on the proposed project. Based on the information provided in the referral package, the applicant should be made aware of the following conditions and requirements that may impact the proposed project.

Recommended Project Conditions of Approval:

1. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) may be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application and supporting documents or Stormwater Post Construction Requirements Wavier Request Form.

Building Division Stormwater Comments:

1. Projects that do not receive a Stormwater Post Construction Requirements Wavier must incorporate site design and runoff reduction measures during the project planning stage and complete a SWCP. Based on total net impervious surface area created, Post Construction Stormwater Management Performance Requirements may be required.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT ST., SUITE 300
 SANTA CRUZ, CA 95060-4508
 (831) 427-4863
 CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-SLO-21-0075Date Filed: 11/16/2021Appellant Name(s): LOS OSOS Sustainability Group / Attn: Patrick Mc Gibney**RECEIVED**NOV 16 2021 *gt*CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Los Osos Sustainability Group

Mailing address: 1177 3rd St. Los Osos, California 93402

Phone number: 805-534-9177

Email address: patindi@aol.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: The Appeal process was misrepresented by San Luis Obispo County
Planning Department. We were told that ministerial permits were not
appealable and therefore, an appeal was not pursued in a timely manner.
We did comment and testified at the Planning Dept. Hearing Officer.

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: We sent a letter of opposition to this project to the Planning Department
Hearing Officer but the project was approved and we thought that since
ministerial projects could not be appealed we had exhausted all local options
Then we thought maybe we could appeal directly to the Coastal Commision.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s): Shawn and Tiffany Stamback
1214 Santa Ysabel, Los Osos, CA 93402
Applicant Address: _____

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The Coastal Act clearly states that Coastal Resources must not be
adversely effected by any development. The Los Osos Groundwater Basin
is in severe overdraft and any new water demanding development would
adversely effect its quantity and allow more seawater intrusion, thereby
degrading its quality. As the only source of water for the Community,
it must be protected. Adding additional water demanding projects only
exacerbates the diminishing water supply. Any addition of living space,
such as bedrooms and bathrooms, only invites more additional residents
and more water use.

Please see attached page entitled: Grounds for Appeal - addition

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: San Luis Obispo County

Local government approval body: Planning and Building Department Hearing

Local government CDP application number: Officer. DRC2020-00232

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: OCTOBER 1, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Location: 1214 Santa Ysabel Ave., Los Osos, California 93402

The construction of a 370 square foot single story addition of a bedroom and
bathroom to an existing 997 square foot main residence, and a second story
546 square foot guesthouse (one bedroom and one bathroom) with an
attached 290 square foot deck above the existing 506 square foot detached
garage.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Patrick McGibney

Patrick McGibney

Signature

Date of Signature November 15, 2021

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

Grounds for Appeal

This appeal follows and is predicated on substantially the same grounds as an earlier group of appeals filed in January 2021 by the Los Osos Sustainability Group. Commissioners Escalante and Howell also appealed the same projects (Coastal Commission Appeal Nos. A-3-SLO-21-0002, A-3-SLO-21-0003 - 0008).

Coastal Commission (the "Commission") staff reports for the March 12, 2021 hearing on those appeals recommended finding substantial Local Coastal Program ("LCP") conformance issues because sustainable growth limits have not been identified under the Los Osos Community Plan ("LOCP") - not yet approved by the Commission - or pursuant to Special Condition 6 of the Los Osos Wastewater Coastal Development Permit ("LOWWP CDP") and/or the mandated but as-yet-undeveloped Los Osos Groundwater Basin Management Plan .

The Los Osos Sustainability Group ("LOSG") has previously urged the Coastal Commission to direct San Luis Obispo County not to approve any more new development that uses water from the Los Osos Water Basin until and unless the Commission approves the LOCP thereby setting buildout limits that reflect the availability of sustainable water supplies. Before approving the LOCP and thereby authorizing new development in Los Osos and Baywood Park, the Commission will be able to ensure that the groundwater basin will be able to sustainably meet current needs.

Moreover, the recently proposed LOCP does not present "conclusive evidence", as mandated in condition 6 of the CDP, of an adequate water supply and the myriad of complex factors that affect the reliability of the Los Osos Groundwater Basin.

Since groundwater and surface water are inextricably connected, the diminishment of the aquifer not only affects humans, but also can affect other species and habitat. Reducing the amount of groundwater can reduce stream flow from the Los Osos Creek, upon which endangered species like the California Steelhead depend, and the estuary relies, for a fresh water source. Diminished groundwater also can affect the local springs, which some species may need for survival. The Los Osos Sweet Springs is a good example, which not long ago, flowed freely into the Morro Bay National Estuary, creating another source of fresh water needed for a healthy and thriving estuary. This is but one ESHA consequence of groundwater reduction.

The Commission should grant LOSG's appeal of this Project because the County persists in approving additional projects that rely on an aquifer in overdraft, thereby ignoring substantial issues regarding a sustainable water supply and ESHA that have been recognized by the Commission in prior appeals of similar projects. Finally, LOSG seeks recommendation from the Commission that the County must increase transparency regarding the status of coastal appealable projects.



November 11, 2021`

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

Att: Esme Wahl

Dear Ms. Wahl,

Through this letter, Los Osos Sustainability Group (LOSG) appeals the approval by San Luis Obispo County of a Minor Use Permit / Coastal Development Permit (DRC2020-00232) located at 1214 Santa Ysabel, Los Osos. We ask that this project be denied for the following reasons:

Initially, I note that while an appeal of the hearing officer's decision to the Planning Commission may have been available, misinformation and confusion from the County prevented me from pursuing an appropriate appeal (please see attached Planning Dept. email string). On August 30, 2021, in a phone conversation with County Planner Cory Hahn, I was told that guesthouses are ministerial and most likely are not appealable. That was confirmed again this month (November 2, 2021) in an email conversation with Cory Hahn and Planner Kerry Brown. I was inquiring about a new project that had appeared as an ADU but then, as Ms. Brown stated, had been resubmitted as a "guest suite." Asking to be informed when it was going before the Planning Hearing Officer, I was told "building permits are ministerial permits and do not go before a Hearing Officer and are not appealable. I remember thinking that 1214 Santa Ysabel was a guest house, did go before a Hearing Officer and should have been appealed. Owing to these mixed and confusing messages, I assumed the approval was ministerial and not subject to appeal. Moreover, I am confident that any appeal of the hearing officer's approval would have been futile as the Planning Commission and the Board routinely rubber stamp hearing officer approvals. As such, I ask the Coastal Commission to excuse any failure to exhaust local appeals (if indeed an appeal was available) and reach the merits of our appeal.

In my letter of opposition to (DRC2020-00232) submitted to the County Planning Hearing Officer (see attached Letter) on September 30, 2021, I referred to this project as a guesthouse but argued that ". . . The County should not be approving any ADUs **or any other type of development that increases the demand for water. . .**" (Emphasis

added). The Hearing Officer asked if there was a difference between an ADU and a guest house. Technically there is; a guesthouse is not supposed to have a kitchen and theoretically is not be rented, but realistically the difference is a matter of semantic only. The project was approved.

After the approval, I made calls to various Planners asking for status updates on this project. No one returned my calls. Weeks later I received an email stating that there had been no appeals on the subject property and it was now with the Coastal Commission. My letter in opposition to this project was not seen as an appeal and the required form for appeal was not submitted.

What is a guesthouse, and how does it apply to this project? Per the LCP, a guest house is by definition not a separate unit, is not allowed kitchen facilities, can only be used by residents of the primary residence.

According to County Code Section 23.08.032.e(1) (Residential Accessory Uses) as amended: "A guesthouse may contain living area, a maximum of two bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental."

These definitions of a guesthouse show the definition is a misnomer. The term "guesthouse" is being misused, which makes it very confusing for the applicant and appellants, and here's why. The County seems to use the term Guest Suite interchangeable with Guesthouse but there is no definition for Guest Suite. This is confusing. Also the term guesthouse implies it is for guests but per the definition a guesthouse can only be used by residents of the primary residence. This misrepresentation has allowed the applicants to believe they can invite out of town guests to come and stay.

In practice, however, guesthouses are routinely rented out to friends, relatives, or even strangers. Moreover, it is virtually impossible to police the use of a guesthouse, as the County has no mechanism for checking the occupants of a guesthouse. Accordingly, there is a strong likelihood that a large guesthouse such as the one at issue here will not just be used by one of the current residents of the household and instead, will be offered to someone (a relative or friend or ?) who is not currently residing at the main house.

How does this relate to the subject property? Following are minutes taken from the July 6, 2021, Los Osos Land Use Committee meeting:

"DRC 2020-00232 STAMBACK Minor Use Permit request for the addition of a Guesthouse conditioned space above the existing garage and the

addition of a master bedroom to the main house. 1214 Santa Ysabel in Los Osos.

The Stambacks need more space and are adding 2 bathrooms, one in a master bedroom addition and the other in a guest house above the garage. They hope to use the guest house for visiting relatives.

Mostly there was talk of water usage. Yes, adding 2 toilets but no people is not really adding water usage, and some felt they were allowed the convenience. But it was pointed out by Larry Raio, who has designed leach fields, that water usage is not measured by new fixtures or bathrooms, it is measured by bedrooms. Stambacks are adding 2 bedrooms

Bedrooms are defined as 150 gallon flow per bedroom. One may feel they'll always own their home, but there will ultimately be new tenants. New owners will probably use more water because a larger home has been created with more bedrooms to attract and accommodate a larger family."

This brings up several concerns. To reiterate, it appears the Stambacks want to use the guesthouse for visitors, who are not "residents of the primary residence" . Secondly, they are planning to add two additional bathrooms instead of the allowable one. Third, by definition, a guesthouse is not a separate unit from the main house. But in this case, the garage is separate from the main house (see attached photo), making a separate unit, and though a guesthouse is allowed two bedrooms, one of the bedrooms is not in the guesthouse but in the main house. This could be two separate projects, one above the garage, the guesthouse, and one in the main house, the master bedroom and bath, except that the garage is separate from the main house, which would make the guesthouse a separate unit, which by definition is not allowed.

This project has too many variables and contradictions, and does not follow the definition of a guesthouse. Each additional project of this type will add to the burden placed on our overdrafted aquifer and in approving this project the County did not make factual findings about how the project would be served by an adequate water source, notwithstanding the evidence that suggests the inadequate state of the groundwater basin to provide an adequate water supply for the project, let alone for the current residents. We believe it should be denied.

Thank you for your consideration,

Patrick McGibney
Chair, Los Osos Sustainability Group



I am writing in opposition to the approval of number 6 on your agenda of October 1, 2021, a request by Shawn and Tiffany Stamback for a Minor Use / Coastal Development Permit to allow for the construction of a 370-square-foot single story addition to an existing 997-square-foot main residence, and a second-story 546-square-foot guesthouse with an attached 290-square-foot deck above the existing 506-square-foot detached garage. The project is located at 1214 Santa Ysabel Ave in the community of Los Osos.

The County should not be approving any ADUs or any other type of development that increases the demand for water and sewer service in the South Bay until and unless the status of the groundwater resources is adequately evaluated and appropriate limits on development have been set.

The County's approval process ignores the LCP policies and the County's own Coastal Ordinance which clearly requires the County to consider the availability of water before approving any ADUs. ADUs are subject to San Luis Obispo County Code §23.08.169 - Secondary Dwelling Units - which prohibits Secondary Dwelling Units in the South Bay, because it is understood that secondary dwelling units are "incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion." The Code provides an exception under certain circumstances, providing that the County "may" allow an ADU within a Residential Single-Family land use category, for example where "the site area is 12,000 square feet or larger and the site is served by community water and sewer; ..." These provisions make it clear that the County must consider the ADUs' potential impact on water supplies and sewer services, which in turn means that County may not consider the ADUs consistency with §23.08.169 on a ministerial basis.

The County ignores and violates §23.08.169 by approving these ADUs on a ministerial basis, without any consideration as to whether these ADUs would result individually or cumulatively significant impact on water supplies, sewer or ESHA

LOSG anticipates that the County will claim its approval of these ADUs was consistent with the State regulation of ADUs, in particular, the provisions of Government Code §65852.2, which

generally govern the processing of ADU applications by cities and counties. It appears that the County believes the provisions of §65852.2 trump and supersede the provisions of the County's Local Coastal Plan, including but not limited to the provision of the County Code §23.08.169. The County's position is wrong as a matter of law because the County's position is specifically inconsistent with Government Code §65852.2(l), according to which, §65852.2 cannot be construed to "supersede or in any way alter or lessen the effect of or application of the California Coastal Act of 1976 ..." It is important to note that the LCP embodies and effectuates the policies and concerns of the Coastal Act and the County's authority to issue Coastal Development Permits (CDPs) in accordance with the LCP is delegated by the Commission. Charles A. Pratt Constr. Co. v. California Coastal Com. (2008)162 Cal. App. 4th 1068, 1075. . The County has not authority to issue ADUs in contravention of the LCP, including §23.08.169 and LCP policies that are intended to protect and preserve the South Bay water supplies, sewer capacity and ESHA.

On these grounds we ask that you deny this project.

Sincerely,

Patrick McGibney
Chair, Los Osos Sustainability Group

1995 Dec 31

The Lane Theater Area
Building



From: Kerry Brown <kbrown@co.slo.ca.us>
Date: November 8, 2021 at 11:26:21 AM PST
To: Patrick McGibney <Patindi@aol.com>
Subject: RE: [EXT]Re: C-DRC2021-00034 -- 1136
RAMONA AVE (LOS OSOS)

Patrick,

Building permits are ministerial and as such are not appealable.

Best,

Kerry Brown
Department of Planning and Building
County of San Luis Obispo
805-781-5713

From: Patrick McGibney <patindi@aol.com>
Sent: Friday, November 5, 2021 7:57 PM
To: Kerry Brown <kbrown@co.slo.ca.us>
Subject: Re: [EXT]Re: C-DRC2021-00034 -- 1136 RAMONA AVE (LOS
OSOS)

How and when can you appeal approvals?

On Nov 5, 2021, at 12:13 PM, Kerry Brown <kbrown@co.slo.ca.us>
wrote:

Building Permits are not scheduled for the Planning Department Hearing Officer. Building Permits are ministerial permits.

Best,

Kerry Brown
Department of Planning and Building
County of San Luis Obispo
805-781-5713

From: Patrick McGibney <patindi@aol.com>
Sent: Friday, November 5, 2021 9:40 AM
To: Kerry Brown <kbrown@co.slo.ca.us>
Cc: Cory Hanh <chanh@co.slo.ca.us>
Subject: [EXT]Re: C-DRC2021-00034 -- 1136 RAMONA AVE (LOS OSOS)

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please put me on the list of interested parties and notify me when this project comes before the Planning Department Hearing Officer.

Patrick McGibney

On Nov 5, 2021, at 8:36 AM, Kerry Brown <kbrown@co.slo.ca.us> wrote:

Hi Cory,

They were not pursuing an ADU, that was a mistake on our part. They submitted yesterday for a 360 square foot guest suite. The building permit number is PMTR2021-01332.

Best,

Kerry Brown
Department of Planning and Building
County of San Luis Obispo
805-781-5713

From: Cory Hanh <chanh@co.slo.ca.us>
Sent: Thursday, November 4, 2021 1:54 PM
To: Kerry Brown <kbrown@co.slo.ca.us>
Cc: Patrick McGibney <patindi@aol.com>
Subject: Re: C-DRC2021-00034 -- 1136 RAMONA AVE (LOS OSOS)

Hi Kerry,

Patrick is asking if the property owner of the subject property is pursuing a guesthouse, since they are no longer pursuing an ADU. Are you aware if any application for a guesthouse on the subject property has been submitted?

Thank you,

Cory Hanh
Planner
Department of Planning and Building
County of San Luis Obispo
Email: chanh@co.slo.ca.us
Telephone: (805) 781-5710

From: Cory Hanh
Sent: Tuesday, November 2, 2021 11:18 AM
To: Patrick McGibney <patindi@aol.com>
Subject: C-DRC2021-00034 -- 1136 RAMONA AVE (LOS OSOS)

Hi Patrick,

C-DRC2021-00034 has been withdrawn by the applicant, as the applicant is no longer pursuing an ADU. That is the reason for the "void" status.

Thank you,

Cory Hanh

Planner

Department of Planning and Building

County of San Luis Obispo

Email: chanh@co.slo.ca.us

Telephone: (805) 781-5710

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WWW.COASTAL.CA.GOV



August 3, 2017

Mark Hutchinson, Deputy Director
San Luis Obispo County Department of Public Works
County Government Center, Room 206
San Luis Obispo, CA, 93408

**Subject: Your letter to Dan Carl (Central Coast District Director) dated July 25, 2017
regarding potential amendments to CDP A-3-SLO-09-055/069 (Los Osos
Wastewater Project)**

Dear Mr. Hutchinson:

We received the above-referenced letter from you on July 31, 2017 in which you indicate that the County Board of Supervisors authorized the landowner of a property at 2045 Pine Street in Los Osos (Rick Kirk) to apply to the Coastal Commission: to amend the County's coastal development permit (CDP) for the Los Osos Wastewater Project (CDP A-3-SLO-09-055/069) to include the subject parcel (APN 074-052-033) in the Wastewater Service Area; and to clarify the applicability of CDP A-3-SLO-09-055/069 conditions to this and other undeveloped properties in the Los Osos area subject to the Estero Area Plan. The purpose of this letter is to respond to both of those issues, and to provide direction to the County on the nature of the requirements that continue to adhere by virtue of CDP A-3-SLO-09-055/069.

As you know, CDP A-3-SLO-09-055/069 Special Condition 6 **prohibits** wastewater service to undeveloped properties unless and until the Estero Area Plan is updated to identify appropriate and sustainable buildout limits, and that update is certified as an LCP amendment by the Coastal Commission. The County has been working on the required update to the Los Osos component of the Estero Area Plan, including the complementary Habitat Conservation Plan, for many years, but that update remains incomplete at the County level, and thus it has never been submitted to the Coastal Commission. Importantly, the LCP growth and buildout standards applicable to Los Osos that were required by the Coastal Commission to be updated have not yet been updated. As a result, and as we have discussed with you and your staff and other County staff in other departments, per the CDP **undeveloped properties are not allowed wastewater service at this time**.

With respect to potential amendments to the CDP to potentially add properties to the wastewater service area, such as the aforementioned request related to the property at 2045 Pine Street, the intent of the CDP (including Special Condition 7 allowing for it to be amended under certain circumstances) is **not** to facilitate development of undeveloped properties in Los Osos absent the required LCP update. On the contrary, and as we have discussed with you and your staff and other County staff at the time of the original CDP approval, as well as since then, the intent of the potential amendment provision of the CDP is to consider minor modifications that address potential anomalies associated with **already developed** properties. For example, the Coastal

Commission approved a service area adjustment through a CDP amendment in June 2016 to allow the Monarch Grove area to be added to the service area so as to better protect coastal resources by connecting that area to the wastewater plant instead of continuing use of their failing package plant. At the same time, it is clear under the CDP that undeveloped properties (including significant intensifications of use and expansions on developed properties (e.g., such as the proposed expansion of the Sea Pines Golf Resort and Morro Shores Mobile Home Park), cannot be allowed sewer service and/or be brought into the service area absent the required Estero Area Plan LCP update. The County acknowledged and agreed to be bound by these terms and conditions when it accepted the CDP to construct the Los Osos Wastewater system.

As a result, please understand that we cannot support allowing undeveloped properties, such as the property at 2045 Pine Street, to be added to the service area or to be allowed wastewater service unless and until the LCP's Estero Area Plan is updated as required by CDP A-3-SLO-09-055/069. In addition, and as we have informed you and other County staff, including as recently as May 31, 2017 (i.e., in an email from Daniel Robinson in the Central Coast District Office to you and Kerry Brown of the County's Planning and Building Department) it would appear quite clear at this point that any application proposing to amend CDP A-3-SLO-09-055/069 to allow same **would be required to be rejected** by Coastal Commission staff because it would lessen and avoid the intended effect of the Commission's CDP approval (see California Code of Regulations Section 13166(a)). Again, the Commission required the County to update the Los Osos portion of the Estero Area Plan through an LCP amendment subject to certain criteria before any undeveloped properties in Los Osos can be served. Thus, unless and until the Estero Area Plan is updated as required, modifications to service area boundaries to include undeveloped properties and/or allowing wastewater service to undeveloped properties are not allowed by CDP A-3-SLO-09-055/069.¹

¹ In addition, questions have arisen recently about the potential to allow development on properties prior to the required Estero Area Plan update that have been awarded wastewater or water saving credits (otherwise known as 'Title 19 Retrofit Certificates') in the past. In terms of wastewater credits, the RWQCB has indicated that any credits available from past actions were intended for properties that were already eligible to connect to the sewer. For example, if someone has a property that is eligible to connect to the community sewer system and wanted to build prior to being hooked up to the sewer, then they could utilize a credit to install a temporary septic system. However, as detailed above, only already developed properties are eligible for sewer connection at this time, and thus they would not need a temporary septic credit. In terms of the retrofit certificates, these certificates alone do not somehow entitle development at this time. Although these water conservation certificates were previously issued to properties in the septic prohibition zone, the certificate does not somehow guarantee the right to develop parcels upon completion of the sewer. As described above, the key threshold before wastewater service can be provided to any undeveloped property is certification of the Los Osos portion of the Estero Area Plan by the Coastal Commission.

In short, the requirements of the CDP prohibit the extension of wastewater service to undeveloped properties, and to do so would be a knowing and intentional violation of the CDP.²

We understand that the certain members of the community are interested in developing their properties now that the wastewater treatment plant is up and running, and we can appreciate their desire to do so, including after the significant efforts by many to bring the wastewater treatment plant and system in Los Osos online. At the same time, however, the County is obligated to finalize the update to the Los Osos portion of the Estero Area Plan through LCP amendment before that occurs, and that requirement has been in existence for over a decade, dating back to a similar requirement associated with the since abandoned wastewater treatment plant CDP approved by the Commission in 2004, and also because the County itself required the same as part of its approval of the wastewater treatment plant in late 2009 (i.e., County Condition 92, which was part of the County's proposed project before the Commission when the Commission approved CDP A-3-SLO-09-055/069 in 2010). We would strongly suggest that the County put its efforts towards completing the required LCP planning instead of pursuing any measures designed to avoid its CDP obligations.

Finally, despite the Board authorizing a private citizen to apply to amend the County's CDP, we note that it is the County that is the Permittee of the subject CDP, and it is the County that would have to be the Applicant for any amendment to it. The County could apply on an individual's or group's behalf, as was done for the Monarch Grove CDP amendment request described above, but the County would have to be the entity to request the amendment. We would not be able to accept an application by a private individual or group.

In closing, we again note that the Coastal Commission's CDP requirements that prohibit wastewater service to undeveloped properties in Los Osos are unambiguous, and we strongly suggest that the County recognize that requirement in all County actions (including in accepting any CDP applications, and in any County CDP actions).

We continue to be available to assist County staff as it attempts to complete the required LCP update, and we strongly recommend that the County concentrate its resources on those efforts. If you have any questions or wish to discuss this further, please contact me or Daniel Robinson of my staff at (831) 427-4863.

² We note that the County correctly denied a CDP for development of the proposed *Novy* residence on Pasadena Drive on these grounds in September 2016. We further note that on August 4, 2017 the County Planning Commission will hear a CDP application to develop another undeveloped property in Los Osos (i.e., the proposed *Watterworth* residence on Mitchell Drive), and the Planning Commission should deny this project for the very same reason. Again, approval of development that uses wastewater services on undeveloped properties would be a violation of the County's CDP, and would be subject to enforcement proceedings.

Mark Hutchinson
CDP A-3-SLO-09-055/069 Requirements
August 3, 2017
Page 4

Sincerely,

Dan Carl
District Director
Central Coast District Office
California Coastal Commission

cc: (via email)

Supervisor Bruce Gibson
Supervisor John Peschong
Supervisor Adam Hill
Supervisor Lynn Compton
Supervisor Debbie Arnold
Planning Commissioner Michael Multari
Planning Commissioner Julie Hawkins
Planning Commissioner Jim Harrison
Planning Commissioner Don Campbell
Marvin Rose, County Department of Planning and Building Interim Director
Wade Horton, County Public Works Department Director
Jeff Edwards (Representative for Rick Kirk)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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December 8, 2017

Kerry Brown
San Luis Obispo Department of Planning and Building
976 Osos Street Room 200
San Luis Obispo, CA 93408

Subject: Coastal Development Permit (CDP)/Minor Use Permit (DRC2017-00029)

Dear Kerry:

We are writing in regards to a proposed project to be heard at the December 15th meeting of the San Luis Obispo (SLO) Planning Department to construct four single family residences on four separate lots, located at 282 Mar Vista, 294 Mar Vista, 284 Highland Drive, and 289 Highland Drive in Los Osos (Shear Development Company LLC).

As described accurately in the County's staff report, Special Condition #6 (as well as County project condition #86 and #92) of the Los Osos Wastewater Treatment Plant CDP A-3-SLO-09-055/069 prohibits development on vacant parcels at this time. Specifically, Special Condition 6 prohibits new development on undeveloped properties in the prohibition zone until such time as the Estero Area Plan has been amended and certified by the California Coastal Commission.

We are writing in support of the SLO County Planning staff's recommendation for denial in this case. Because the proposed project cannot hook up to the sewer based on the conditions of the LOWWP permit, and cannot utilize a septic system (the Regional Water Quality Control Board prohibition on new septic discharge is still in effect), the project cannot be approved at this time.

Please do not hesitate to contact me at (831) 427-4863 if you have any questions regarding the above letter of support.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Robinson".

Daniel Robinson
Coastal Planner
Central Coast District Office

CALIFORNIA COASTAL COMMISSION

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August 29, 2016

San Luis Obispo County Department of Planning and Building
976 Osos Street Room 200
San Luis Obispo, CA 93408

Subject: **Frederick G. Novy Single-Family Dwelling (SFD), 1325 Pasadena Drive, Los Osos (APNs 038-732-016 and -017)**

Dear Rob Fitzroy, Hearing Officer,

I am writing to express our support for the Planning Department's denial recommendation of the proposed SFD located on an undeveloped property at 1325 Pasadena Drive in Los Osos, which you will be considering at a Planning Department hearing on September 2, 2016. Initially the project proposed to obtain wastewater service from the new Los Osos Wastewater Treatment Plant (LOWWP); the project now includes a proposed onsite septic system.

We previously worked very closely with the County, the Regional Water Quality Control Board (RWQCB), and other interested parties on the LOWWP project, dating back to the approval of a coastal development permit (CDP) for that project in 2010 (Coastal Commission appeal number A-3-SLO-09-055/069). Approval of the Novy SFD project with a connection to the LOWWP would directly violate Special Condition 6 of CDP A-3-SLO-09-055/069, which states:

"Wastewater service to undeveloped properties within the service area shall be prohibited unless and until the Estero Area Plan is amended to identify appropriate and sustainable buildout limits, and any appropriate mechanisms to stay within such limits, based on conclusive evidence indicating that adequate water is available to support development of such properties without adverse impacts to ground and surface waters, including wetlands and all related habitats."¹

As the County is aware, a Local Coastal Program (LCP) amendment to the Estero Area Plan for this purpose has not been certified by the California Coastal Commission (Commission), although we have had multiple discussions with the County's planning and building staff and have collaborated on draft portions of the Los Osos Community Plan (LOCP) to help expedite this process, and will continue to do so. Given this reality, however, wastewater service for the proposed Novy SFD may not be provided by the LOWWP at this time.

In terms of the project now including an onsite septic system, the RWQCB imposed a moratorium on current sewage discharges, new sources of sewage discharge, and increases in the

¹ Special Condition #6 is similar to County Condition of Approval #86 for the LOWWP, which is entitled "**No Service to Undeveloped Properties.**"

volume of existing sewage sources in the community of Baywood-Los Osos on January 8, 1988. The primary effect of the moratorium is that the County is prohibited from issuing any permits for new onsite sewage disposal systems (commonly called septic systems) within the prohibition area. Further, we also agree with the RWQCB that the “septic system credits” identified in their letter dated May 8, 2014 were intended to be temporary credits for lots that were already eligible to connect to the community sewer. Given that the Novy lots are not eligible to connect to the sewer at this time because the update to the Estero Area Plan has not been certified, these credits should not apply to the Novy property. Thus, because there is an ongoing moratorium, because the proposed project cannot hook up to the sewer based on Special Condition #6 of the LOWWP permit and cannot utilize a septic system based on the August 8, 2016 letter from RWQCB, the project will not have adequate means to dispose of wastewater, and therefore cannot be approved at this time. Based on the above reasons, Commission staff supports County staff’s recommendation of denial at this time.

While denial of the project is appropriate at this time, certification of the LOCP should appropriately guide future development of infill lots within the urban area of Los Osos in the future. When that occurs for this site, Commission staff believes that a wetland setback reduction should not be allowed. At this time, a reduction is recommended to be allowed from 75 to 62 feet. However, it does not appear that a single-family residence of nearly *4,000 square feet* (i.e., a 3,048-square-foot residence, with a 484-square-foot attached garage and a 351-square-foot attached workshop) is the “*minimum*” size that would enable a single-family residence to be established on the site, as required by CZLUO Section 23.07.172.(d)(2). We also do not agree that the site would be “*physically unusable*” for a single-family residence unless the setback was reduced, again as stated by CZLUO Section 23.07.172.(d)(2). Thus, Commission staff does not support the proposed reduction in the wetland setback given that it appears readily feasible, based on project plans associated with the project, for the project to be modified to provide consistency with the LCP’s 75-foot wetland setback requirement.

Thank you for the opportunity to share our thoughts on this project. We look forward to continuing to work with County staff on the Estero Area Plan update (LOCP), which will facilitate future approvals of proposed residences, such as the Novy SFD, within the urban area of Los Osos.

Sincerely,

Daniel Robinson
Coastal Planner
Central Coast District Office

cc: Brandi Cummings, San Luis Obispo County Department of Planning and Building
Jon Rokke, Central Coast Regional Water Quality Control Board
Jeff Edwards