

CALIFORNIA COASTAL COMMISSION

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F19c

Prepared March 8, 2021 for March 12, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

**Subject: Additional hearing materials for F19c
CDP Number A-3-SLO-21-0004 (Wise Second Unit, Los Osos)**

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

Additional correspondence received in the time since the staff report was distributed

From: CentralCoast@Coastal
To: [O'Neill, Brian@Coastal](mailto:O'Neill,Brian@Coastal)
Subject: Fw: Public Comment on March 2021 Agenda Item Friday 19c - Appeal No. A-3-SLO-21-0004 (Wise Second Unit, Los Osos)
Date: Monday, March 8, 2021 9:02:59 AM

From: Lisa Wise <lisa@lisawiseconsulting.com>
Sent: Friday, March 5, 2021 4:39 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on March 2021 Agenda Item Friday 19c - Appeal No. A-3-SLO-21-0004 (Wise Second Unit, Los Osos)

To whom it may concern:

Thank you for the opportunity to submit comments on California Coastal Commission Appeal No. A-3-SLO-21-0004.

The grounds for appeal raised questions related to the adequacy of ESHA, wastewater, water, and buildout.

ESHA - We agree that ESHA protection should be a high priority in Los Osos. **We are converting an existing guest house to an ADU and there will be no disruption to habitat values and no need for mitigation measures for temporary or permanent impacts.** (Note: The site has adequate parking.)

WASTEWATER - The appeal states that County's LOWWP is prohibited from serving new development, that we are prohibited from connecting to the LOWWP, and that the lack of wastewater services alone requires denial of the application. **Our property (1302 Bayview Heights Drive) is in the Bayview Heights area and outside the sewer service area.** Our property is governed by the provisions in the SLO County LAMP (Local Agency Management Program) for onsite wastewater treatment.

WATER - **Our property has been served by two water meters for over 25 years.** The property has 2 legal addresses, and at one time the property had 2 homes. Also, we are required to get 2:1 water retrofit.

SUSTAINABLE BUILDOUT LIMITS - We understand that the Coastal Commission is concerned that the proposed ADU amendment will lead to a significant increase in new residential development and create negative impacts on sustainable buildout in Los Osos. **We realize the importance to estimate buildout in a way that will not adversely impact coastal resources, however, in terms of ADUs we believe that this is a solution in search of a problem.** According to the County, in 2020 88 ADU applications were submitted, 26 ADU building permits were issued, and 4 ADU building permits passed final inspection *in the entire County*. This represents less than 0.01% of the residential units in the County (123,963 units, US Census 2019). It's clear that a substantial increase in ADU's throughout the County or in Los Osos, is a small number of total units. Even if all these units all occurred in Los Osos it would be a small percentage (about 1%) of all Los Osos households (approximately 6,400 households). Furthermore, according to Section 30604(f) of the Coastal Act, the legislature has declared that it is important for the Commission to encourage the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone. ADUs are recognized by the legislature and HCD as a promising strategy to increase the supply of lower cost housing in the coastal zone in a way that can avoid significant adverse impacts on coastal resources. It seems that the benefits of ADUs outweigh the disadvantages, and that a delay in processing ADU applications is unwarranted.

CONSISTENCY WITH THE LCP - *Government Code section 65852.2(a)(4) states that “an accessory dwelling unit ordinance that fails to meet the requirements of this subdivision...shall be null and void and that the agency shall...apply the standards established in this subdivision...until the agency adopts an ordinance that complies...”* After the appeal, we learned that the Coastal Commission has issued guidance on the implementation of new ADU laws. In spite of this guidance, the County has taken the position that it cannot reject ADU applications or apply standards that conflict with State requirements such as SB 831.

We look forward to working with you to resolve this matter.

Sincerely,

Lisa Wise and Henry Pontarelli
Property Owners

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Lisa Wise, AICP

LWC

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March 5, 2021

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

Subject: Los Osos Project Appeals (A-3-SLO-21-0004, A-3-SLO-21-0005, A-3-SLO-21-0007, A-3-SLO-21-0008)

Dear Commissioners,

On behalf of the Los Osos Sustainability Group (LOSG), I would like to thank the Commission Staff for your thoughtful and detailed review of our appeals of San Luis Obispo County's approval of these and several other proposed Accessory Dwelling Unit (ADU) projects in Los Osos. We support the Staff Report's recommended findings that the projects will threaten endangered resources in the area, including the Los Osos Water Basin, and request that the Commission make a positive "substantial issue" determination and formally take over the appeal of these projects. When all the evidence is considered, we believe the Commission will ultimately conclude that these ADUs should be denied until the County has formulated an adequate basin management plan that will ensure reliable water supplies to protect environmental resources and for consumption by the current residents of Los Osos.

As the Staff Report indicates, approval of the proposed projects as well as any future ADUs, affordable housing, or any other development should be contingent upon the Commission's review and approval of an updated Los Osos Community Plan or LOCP. As the Staff Report explains, to avoid unsustainable development, the Coastal Development Permit for the Los Osos Wastewater Project (2010 CDP) includes Special Condition 6, which requires the LOCP to identify build out limits and mechanisms to stay within those limits based on "conclusive evidence" of an adequate water supply. Accordingly, approval of ANY new development, even ADUs, must be deferred until the Commission has reviewed and approved the LOCP.

We also agree with the Staff Report's analysis and conclusion that compliance with Title 19, the County's retrofit-to-build ordinance, doesn't ensure that the water demands created by new ADUs are fully mitigated.

The County has not adequately monitored the retrofit program and there is not evidence to show that retrofit opportunities still exist. Moreover, the County has not demonstrated the

extent to which the retrofit program has actually succeeded in reducing the water demand in Los Osos.

I have attached hereto the latest status report on seawater intrusion conditions in the Los Osos Basin, which indicates deteriorating seawater intrusion conditions (steeply rising Chloride Metric levels). On Page 2, the report states:

The Chloride Metric rose from 163 mg/L to 205 mg/L between Fall 2019 and Fall 2020, and is close to the Fall 2016 record high of 225 mg/L. The metric has been rising through 2020, which represents a deterioration of basin conditions.

Later in the report, it states: "... the increasing Chloride Metric trend in 2020 shows that seawater intrusion has not yet been mitigated."

We believe this latest monitoring report supports LOSG's and Staff's belief that the County's current plan for managing the basin is inadequate and that approval of any development in Los Osos must be deferred until the seawater intrusion problem has been adequately addressed. In closing, I would like to express our appreciation to Commission staff for its ongoing efforts to protect and preserve the threatened Los Osos Groundwater Basin and area resources including ESHA. Staff's deep knowledge of the issues and ongoing concern for the health and sustainability of the area is reflected in its carefully considered analysis and recommendations.

Sincerely,

Patrick McGibney

Patrick McGibney, Chair
Los Osos Sustainability Group

Attachment: "Preliminary Results of the Fall 2020 Lower Aquifer monitoring results" and the "Chloride and Water Level Metric" graph

DRAFT

Cleath-Harris Geologists, Inc.
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401
(805) 543-1413



Memorandum

Date: January 15, 2021

From: Spencer Harris, HG 633

To: Dan Heimel, PE, Executive Director
Los Osos Basin Management Committee

SUBJECT: Preliminary results of Fall 2020 Lower Aquifer water quality monitoring.

Dear Mr. Heimel:

As is customary, Cleath-Harris Geologists provided the BMC with a table of preliminary results for the Fall 2020 Lower Aquifer water quality monitoring, along with a draft water level and chloride metric graph for 2020 (attached). Typically, this information would be further interpreted in the Annual Report. Per your request, this memorandum provides a brief discussion of the Chloride Metric results and trends through 2020.

The Chloride Metric rose from 163 mg/L to 205 mg/L between Fall 2019 and Fall 2020, and is close to the Fall 2016 record high of 225 mg/L. The metric has been rising through 2020, which represents a deterioration of basin conditions.

Chloride Metric Trends

Fluctuations in the Chloride Metric since 2014 have been largely driven by chloride results at Lower Aquifer well LA10, which is double-counted in the metric calculation to add sensitivity for that location. As discussed in Appendix J of the 2018 Annual Report, reductions in annual production at LA10 have magnified the effects of Upper Aquifer influence (due to borehole leakage) on water quality. Upper Aquifer influence at LA10 decreases chloride concentrations and increases nitrate concentrations of the produced water. LA10 draws water from Lower Aquifer Zones D and E, each of which have different chloride concentrations.

Well construction makes it difficult to manage the blend of water entering LA10 and provide “apples to apples” sampling results for understanding metric trends. Nevertheless, the overall trend of a rising Chloride Metric through 2016, followed by declining metric through 2018, and then renewed rise in the metric through 2020 is also supported by data from metric well LA12, which is a monitoring well.

Seawater Intrusion Mitigation

With respect to the Los Osos Basin Plan (LOBP) goal of seawater intrusion mitigation and verified progress toward this goal, the increasing Chloride Metric trend in 2020 shows that seawater intrusion has not yet been mitigated. However, the anticipated trendline for the

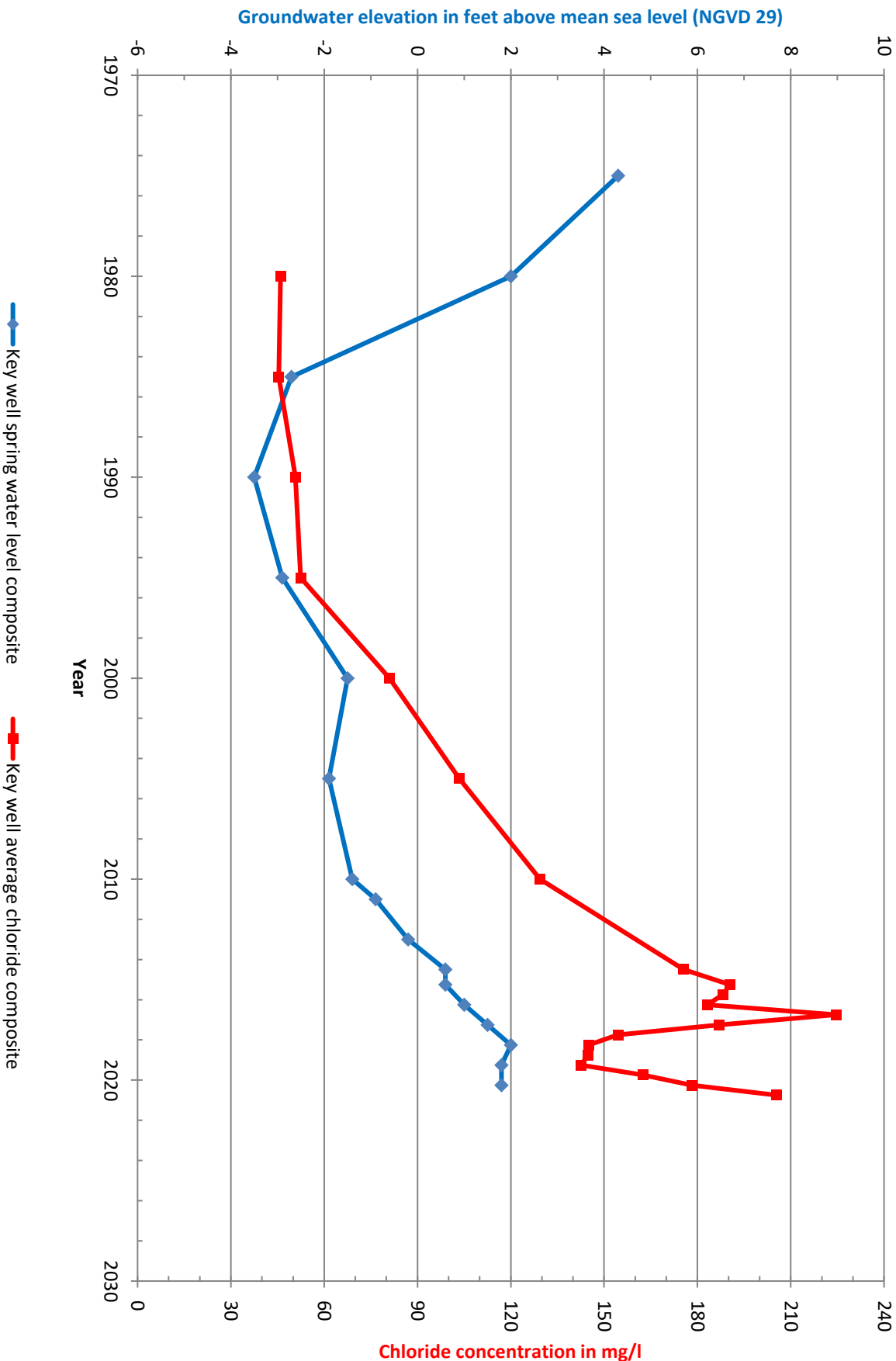


Chloride Metric as presented in the LOBP was a continued rise in the metric for a period of 10 years following completion of the sewer project and implementation of the various management programs. Development of the groundwater mound beneath the Broderson disposal site is continuing through 2020 and is expected to raise water levels in the Lower Aquifer that will lead to stabilization and reversal of seawater intrusion.

This year, additional water level transducers are proposed to be installed to help track the progress of the groundwater mound. The Chloride Metric will also be further evaluated to address the problem of obtaining representative results from LA10. **Until field verification of mitigation is observed, however, there should always be a cautious level of concern with respect to the rising Chloride Metric and seawater intrusion.**

DRAFT

Chloride and Water Level Metric Lower Aquifer



From: Santa Lucia Sierra Club <sierraclub8@gmail.com>

Sent: Thursday, March 4, 2021 2:29 PM

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

Subject: Public Comment on March 2021 Agenda Item Friday 19c - Appeal No. A-3-SLO-21-0004
(Wise Second Unit, Los Osos)

Re: Items 19a-g, New Appeals: SUPPORT

Dear Commissioners,

The Santa Lucia Chapter of the Sierra Club represents the Club's 2,500 members in San Luis Obispo County. We support the appeals of the proposed projects, for the following reasons.

- The projects do not conform with the Local Coastal Policy (LCP) Policy 1: Preservation of Groundwater Basins. "The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted."

- The projects do not conform with Special Condition 6 of the Los Osos Waste Water Project's Coastal Development Permit, which states that "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."

- The projects do not conform with CZLUO Section 23.04.430: Availability of Water Supply and Sewage Disposal Services, which requires that "A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line."

In addition to the County's failure to apply the "conclusive evidence" standard in approving CDP for each of these projects, and the ESHA issues and lack of Habitat Conservation Plan discussed in the staff report, the evidence shows that seawater intrusion has been rapidly advancing over the last two years and is near the point of no return in the deep aquifer (2500 mg/l of chlorides). Per the 2019 monitoring report, water levels ranged from sea level to eight feet below sea level, in contrast to the Basin Plan's target of aquifer levels at eight feet above mean sea level as necessary to halt and reverse seawater intrusion.

We join with the concerned residents of Los Osos who have long urged that new development over the Los Osos Groundwater Basin not be approved until such time as it can be conclusively shown that the basin is capable of serving new development while continuing to meet the water needs of existing homes and businesses and sustain the habitat and wildlife that rely on it.

We urge you to find that the appeal raises substantial LCP conformance issues and take jurisdiction over the CDP application and proposed projects.

Thank you for your attention to this issue,

Sue Harvey,
Chair, Conservation Committee
Sierra Club - Santa Lucia Chapter