

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Th12b

Prepared August 7, 2023 for August 10, 2023 Hearing

To: Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Devon Jackson, Coastal Planner

**Subject: Additional hearing materials for Th12b
CDP Number A-3-SLO-23-0020 (Dick Residence)**

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

Additional ex parte disclosures received in the time since the staff report was distributed

EX PARTE COMMUNICATION DISCLOSURE FORM

AUG 04 2023

Filed by Commissioner: Commissioner Roberto Uranga

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

- 1) Name or description of project: Appeal No. A-3-SLO-23-0020 at Th12b
- 2) Date and time of receipt of communication: 8/3/2023 @ 11:30AM
- 3) Location of communication: ZOOM

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Jeff Edwards

5) Identity of person(s) on whose behalf communication was made: Roger Dick/Applicant

6) Identity of persons(s) receiving communication: Commissioner Roberto Uranga

7) Identity of all person(s) present during the communication: Commissioner Roberto Uranga,
Jeff Edwards, Sean Bernhoft

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Jeff Edwards, representing the applicant, Roger Dick, shared his thoughts regarding the item:

- Staff sided with appellant on issues that "don't apply in this case."
- Los Osos has a ground water operation that is managed effectively
- Project was approved by San Luis Obispo County County supervisors 5-0 w/ 37 additional conditions.
- It is a replacement dwelling unit, this type of project hasn't been an issue in the past.
- Hopeful that CCC finds no substantial issue and allow county approval to stand.
- Asking for an opportunity to provide his testimony in Oxnard.

8/3/2023
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EXHIBIT B

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Donne Brownsey

- 1) Name, agenda Item # or description of project: August 10, 2023 Item 12b Appeal # A-3-SLO-23-0020
- 2) Date and time of receipt of communication: 8/4/23 10:15-10:30am
- 3) Location of communication: by phone
- 4) Identity of person(s) initiating communication: Jeff Edwards
- 5) Identity of person(s) on whose behalf communication was made: For the Applicant Dick Family
- 6) Identity of persons(s) receiving communication: Donne Brownsey
- 7) Identity of all person(s) present during the communication: Brownsey and Edwards

Complete, comprehensive description of communication content (attach any text or graphic material presented):

Edwards presented the Applicant's case that this was a replacement unit for the same owner as before the demolition of the property. The parcel contained a second home that fell into disrepair and thus was removed although the underground infrastructure for water and waste water was retained. The property already has service capacity established by the Waste Water Treatment Facility and has been paying the Assessment fees on their taxes since 2015. This property's waste water system was accounted for in the new system's profile. He drew a distinction between Cambria and Los Osos stating that Los Osos has an aquifer under safe yield that is managed.

It is not clear what the property owner intends to do with the parcel until after the permitting process whether they will re-build for personal use or for sale. Finally he stated that Condition #6 should not apply here as this is not a growth impact property which are vacant lots.

8/4/23
Date


Signature of Commissioner

RECEIVED

AUG 04 2023

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CENTRAL COAST AREA

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN
Specializing in Water Neutral Development

July 25, 2023

RE: A-3-SLO-0020, DICK MUP/CDP C-DRC2021-00145
Substantial Issue Determination (TH12. b.)
1153 11th Street, Los Osos, CA APN 038-061-047

Ladies and Gentlemen of the Commission,

By way of introduction, my name is Jeff Edwards and my firm represents Roger Dick, the owner/applicant of 1153 11th Street in Los Osos. The matter before you involves a determination as to whether, or not, the decision to approve the Minor Use/Coastal Development Permit (MUP/CDP) for the above referenced project by San Luis Obispo County will impact coastal resources. The proposed project includes the replacement of a single-family residence that was demolished, with a new single-family home.

The approved MUP/CDP, as conditioned by the County, ensures all coastal resources are addressed including most notably the availability of water for the community of Los Osos. Staff has suggested there are inadequate water supplies for existing and future development. Additionally, staff has conflated water supply and wastewater services. Regarding the latter, the existing Wastewater Recycling Facility (WRF) is operating at less than 50% of capacity. The WRF approved by the California Coastal Commission (CCC) in 2010 completed construction in 2016 at a cost of close to \$200 million. By design, the WRF serves over 80% of the community and is addressing nitrate levels in the groundwater with incremental improvements in water quality as predicted.

Staff suggests Special Condition 6, attached to the WRF approval in 2010, prohibits development on "vacant lots". The Dick property is not "vacant" in the context of Special Condition 6. The Los Osos Wastewater Assessment District No. 1 was formed on October 23, 2007, and established assessments secured by the real property in the amount of \$24,941.19 per single-family home. The Dick residence received an assessment and continues to pay for a single-family home under Assessment No. 278. In 2007, the subject property was assessed and capacity in the WRF was accounted for. The demolition of the Dick residence occurred in June 2010, well after the assessment and service capacity for wastewater was established, as evidenced by the WRF Will-Serve Letter from the San Luis Obispo County Public Works Department dated May 6, 2021.

Regarding water supply questions more broadly, since the WRF was approved by the CCC in 2010, urban demand for water supplied by the local purveyors has been reduced from 1620 acre-feet to 1016 acre-feet (2022 Annual Monitoring Report) conserving over 600 acre-feet, in large part from the County's Title 19 Offsite Retrofit-to-Build Program. This is nearly a 40% reduction in urban demand and associated groundwater production. The conservation has been achieved with a community population that has remained constant for over 30 years, at

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approximately 14,000 people. Expressed in another way, the urban water demand in Los Osos between 1988 and 2022 dropped from 159 gallons per capita per day (gpcd) to 63 gpcd, respectively. Ironically, the current total demand on the groundwater basin with a population approaching 14,500 people is virtually identical to total groundwater demands in 1970 when the population of Los Osos was barely 3500 people.

The Los Osos Groundwater Basin is not in overdraft. The staff report confirms the total production for all uses overlying the Los Osos Groundwater Basin, including urban, rural and agricultural, is approximately 2000 acre-feet. The recognized annual safe yield for the basin is 2380 acre-feet. Clearly, 2380 acre-feet is greater than 2000 acre-feet, demonstrating the groundwater basin is not in overdraft. Furthermore, the staff report purports "the basin is still over drafted and essentially over tapped for even existing development." This statement is irresponsible and alarmist, failing to consider the facts with respect to groundwater resources and supplies for the community of Los Osos. The County of San Luis Obispo has continuously, since completion of the WRF in 2016, monitored riparian and wetland areas with no evidence of adverse impacts to any of these coastal resources. Staff continues to make false assertions with no evidence to substantiate the claims.

Staff is recommending your commission find Substantial Issue in this matter without any basis for such a determination. In the staff report, staff represents the applicant "refused" to waive time and "demanded" a Substantial Issue hearing. The staff report further suggests that they are "working with the County" and expects to resolve decades old concerns surrounding coastal resources, particularly water, by the end of 2023. These efforts and such optimism were never mentioned by staff to the applicant or applicant's agent as a basis or reason to waive time. Moreover, the issues surrounding new development are not applicable in the instant case because it is a replacement dwelling unit with water and sewer service already established. Therefore, the San Luis Obispo County approved MUP/CDP for the Dick residence is not subject to Special Condition 6 or any other questions about the availability and adequacy of public services (water and sewer). Lastly, the subject proposal is not subject to any determinations of growth/buildout projections because the proposed residence is a replacement dwelling.

In conclusion, on behalf of the applicant, Roger Dick, I respectfully request the Commission determine no Substantial Issue exists with respect to the grounds in which the appeal was filed.

Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards

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Cc: Roger Dick, Property Owner/Applicant
San Luis Obispo County Public Works Department, Director John Diodati
San Luis Obispo County Planning Department, Director Trevor Keith
Los Osos Community Services District, General Manager, Ron Munds
California Coastal Commission, Central Coast District Director, Dan Carl
California Coastal Commission, Coastal Program Analyst, Devon Jackson