

## CALIFORNIA COASTAL COMMISSION

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# Th14a

**Prepared June 10, 2024 for June 13, 2024 Hearing**

**To:** Commissioners and Interested Persons

**From:** Kevin Kahn, Central Coast District Manager  
Ryan Moroney, Central Coast Supervisor  
Devon Jackson, Coastal Planner

**Subject: Additional hearing materials for Th14a  
Local Coastal Program Amendment Number  
LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan)**

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.

**EXHIBIT B**

**EX PARTE COMMUNICATION DISCLOSURE FORM**

Filed by Commissioner: Justin Cummings

1) Name, agenda Item # or description of project: Item 14a Los Osos Community Plan  
If your project pertains to an item on our current agenda, please write the item # above.

2) Date and time of receipt of communication: Friday June 7th, 2024 @ 3:00 pm

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: Blake Fixler

5) Identity of person(s) on whose behalf communication was made: County Supervisor Bruce Gibson

6) Identity of persons(s) receiving communication: Commissioner Cummings and Sandy Brown

7) Identity of all person(s) present during the communication: Bruce Gibson, Justin Cummings, Sandy Brown

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

See attached

6/10/2024  
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.

Bruce Gibson, SLO Supervisor, 6-7-24

Supervisor Gibson provided an overview of the San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0028-1-Part G (Los Osos Community Plan), item 14a, on the Thursday, June 13, 2024 agenda.

Context: Los Osos is the biggest unincorporated community in the SLO County coastal zone. The entire community falls within an ESHA because of the soil type and the habitat it supports.

He walked through the maps and timelines included in the staff report and exhibits, and provided detail about the work that has been done to address water supply, wastewater treatment, and sensitive habitat issues in the Los Osos Community, noting that the staff report lays out the complexity of the issues.

In 1988 the Regional Water Quality Control Board issued a ruling that prevented the county from issuing new building permits. This was in response to septic tank pollutants in the groundwater basin, which had caused water purveyors to drill deeper and go into overdraft. 90% of the community is under this moratorium.

Wastewater issues have been the subject of community controversy going back to the late 1970s. Efforts to build a sewer system started around the same time that the building moratorium was issued. In 1998, a Community Services District formed but they were unable to work through the issues. In 2004 an adjudication process began and a stipulated judgment was issued on how to proceed. At that point the Regional Board initiated action against individual property owners.

In 2006 state legislation sent the sewer project back to the county and, in 2007, the effort landed with the county, the same day Supervisor Gibson took office. This is the biggest project he's dealt with during his time in office.

The Commission approved a permit in 2010. Virtually every property was connected to the sewer treatment plant by 2016. The community won a small sewer plant of the year award.

A Basin Management Plan was adopted in 2015. Since then, the committee that was established has managed the groundwater supply. They are seeing clear evidence that the basin is no longer in overdraft. It has recovered and is on its way to meeting management objectives.

They now want to start allowing a controlled amount of development of vacant parcels. The Commission's geotechnical consultant agrees with the County.

The Commission added a condition (to mitigate future growth) that the sewer connections would be for existing property only. No new properties could connect until the LCP was updated to

demonstrate a sustainable water supply and no negative impact to habitat. This is the central focus of the agenda item before the Commission.

In 2009 the Coastal Commission certified LCP, excepting Los Osos. In 2012 they started a new LCP update, which was approved in 2020. They have been working with Commission staff to bring them up to speed on work in the three areas of water, sewer, and habitat.

They have federally listed species and have developed a habitat conservation plan with state and federal agencies, beginning in 2009 and completed in Feb 2024, when the Habitat Conservation Plan (HCP) and incidental take permit were approved.

Supervisor Gibson said he feels that they can get to a good place with the modifications recommended by Commission staff.

We reviewed the map, which showed that within the densely subdivided area in the middle of Los Osos, there's existing development and vacant parcels. Mitigation is based on a per sq ft. fee for offsite mitigations. The green shaded area is for priority conservation within the HCP where they target spending in-lieu fees. Within the conservation area there are some subdivided parcels; HCP says each parcel would be granted up to a 30k development envelope, but would require a 3:1 offset. The idea is that this is the vehicle for ESHA mitigation.

They are working with staff on one of the suggested modifications related to the HCP (p.36 of Exhibit 3), which limits mitigations to existing habitat that particular species occupy. These are areas that are zoned residential and inside the urban services line. Supervisor Gibson suggested that, the way it is currently written, if someone has a parcel they want to develop, they would have to do a takings analysis and Commission staff would also do an analysis and then negotiate.

Supervisor Gibson is asking for a revision to say development within the HCP area shall be consistent and sited and sized as to not disrupt habitat values. He agrees with the condition, but believes there's a more efficient way to get there.

### EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Linda Escalante

1) Name or description of project: SLD County LCRA - Los Osos Community Plan

2) Date and time of receipt of communication: \_\_\_\_\_

3) Location of communication: ZOOM 10 - 10:30AM PST

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

4) Identity of person(s) initiating communication: SLD County Supervisor

Bruce Gibson Blake Fixler

5) Identity of person(s) on whose behalf communication was made: \_\_\_\_\_

SLD County Supervisor Bruce Gibson

6) Identity of persons(s) receiving communication: \_\_\_\_\_

Self, VC Escalante

7) Identity of all person(s) present during the communication: \_\_\_\_\_

Supervisor Gibson

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

see copy of meeting notes attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6/6/24  
Date

  
Signature of Commissioner

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Ex Parte CCC

P. 2 of 3

Supervisor Bruce Gibson

zoom

5/31/24

Timeline

LCP last certified in 1988 (1

building moratorium

Staff report does a great job

1992 Stereo Area Plan started

Los Osos had to be pulled out b/c of sewage problems  
or LCP update

- 1) water pollution (fix - sewage plant overdr
- 2) over drafted underground water (all Los Osos H<sub>2</sub>O is groundwater)
- 3) all surface is ESHA

3 water suppliers. <sup>+ county in</sup> 2004 adjudication of basin  
(Basin Management Committee)  
CCC staff agree has closely followed

basin is now NOT in overdraft; sustainable  
(some groups don't accept the analysts)

~~CCC~~ CCC staff agrees w/ County

~~2000~~ 2014 started op of new sewage syst  
just got a sustainability award

ocean outfall! all recycled into basin  
treated to 3<sup>rd</sup> stds + pushing sea level

minimaton

sewer plant is in center of H<sub>2</sub>O supply

15k residents in Los Osos

Habitat protection: 2009 adaptive conservation plan  
for incidental FWS take permit.

Gypsum cont.

P. 303

Greenbelt establishment of mitigation fee  
Urban reserve line - MFL development  
✱

to accommodate 19,000 new residents

reasonable suggested mods ✱

# EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: \_\_\_\_\_ Caryl Hart \_\_\_\_\_

1) Name or description of project: \_\_ Los Osos Community Plan \_\_\_\_\_  
\_\_\_\_\_ LCP Amendment Th\_14a \_\_\_\_\_

2) Date and time of receipt of communication: \_\_ May 24, 2024 \_\_\_\_\_

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: \_\_\_\_\_ Bruce Gibson, \_\_\_\_\_  
San Luis Obispo County Supervisor \_\_\_\_\_

5) Identity of person(s) on whose behalf communication was made: \_\_ Bruce Gibson \_\_

6) Identity of persons(s) receiving communication: \_\_ Caryl Hart \_\_


7) Identity of all person(s) present during the communication: \_\_\_\_\_  
\_\_\_\_\_ Caryl Hart, Bruce Gibson \_\_\_\_\_

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

Discussion of Los Osos Community Plan- suggesting adoption with modifications which are acceptable to him. Community of 15,000 and last LCP was 1988. Beginning 2007, two issues being addressed. ESHA through HCP, and second housing development with sustainable water supply. Now management of the Los Osos water supply issue has been addressed- septic system leakage and seawater intrusion were the problems. Now have sewer plant in operation (since 2016) which addresses. Groundwater basin under adjudication and now have developed Basin Management Plan to show resources to sustain future development. Two to one offsets are required. So need to retrofit older fixtures at twice the amount of water you plan to use with proposed development. 100 acre ft/approx. could be saved through retrofitting. HCP also approved by USA Fish and Wildlife, water management also approved. Conservation has resulted in reduction in water use, below 50 gallons per capita per day. This was part of sewer project, but impacted water availability. Sewer plant has no ocean outfall so all treated wastewater reused. Wells for community placed at higher area that has reduced seawater intrusion and provided sustainable water source with conservation. Buildout now is 28,000 and LCP amendment brings it down to 19,000 which Bruce Gibson is in favor of. Will conserve areas around urban area as part of HCP. After we certify LCP with amendments, he is hopeful that HCP will be adopted locally. 1% growth cap will be part of plan.

\_\_\_\_\_





\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commissioner

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Continue

Lupe Stevenson- works at Fairmont Miramar as a waitress, she lives and works in Santa Monica, but most other workers have to commute from long distances. Very supportive of low income apartments. Hopeful to bring community cooperation and jobs, good revenue for the city and good for the workers and everybody. Has lived there 15 years, with only minor increases in rent.

Community Corporation of Santa Monica. Unite Here works very hard with its members to help them get these apartments once they become available to help insure eligible workers have the best chance to find housing where they work.

Pacific Edge, W12a. They also support their project because while they are adding luxury rooms they are also adding six affordable rooms, transit for workers, parking. Good project now after returned to developer on substantial issue.

Th14a. Winkoop Properties LLC. They strongly support a finding of substantial issue. They agree with all staff objections and in addition Jordan Sisson described that the project misuses the mixed use exemption as there is very little housing proposed- only 2500 sq ft of the 70,000 plus sq foot project. Therefore the project should not be entitled to lot consolidation benefits.

Sisson also expressed concerns with the low cost accommodation "pod" approach, and indicated that it was unclear how this would be built or integrated into the overall project.