

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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W15a

Prepared June 10, 2024 for June 13, 2024 Hearing

To: Commissioners and Interested Persons

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

**Subject: Additional hearing materials for W15a
Appeal number A-3-SLO-24-011 (Brawer/Watt SFD)**

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.

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

June 5, 2024

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

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JUN -5 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

RE: W15a Substantial Issue Determination, Appeal No. A-3-SLO-24-0011
Steven Brawer and Leanne Watt

Dear Commissioners,

On behalf of the applicants referenced above, I urge the Commission to find NO Substantial Issue with respect to the grounds on which the appeal has been filed. The appeal is based on two contentions that we believe are unfounded:

1. Inadequate water supply for the new residence.
2. Approval violates Special Condition 6 of the Los Osos Water Recycling Facility CDP.

Before addressing these contentions, it is important to clarify certain key points. According to the staff report, "...the Commission may only consider issues brought up by the appeal." Additionally, the record is clear, and staff acknowledges that "the site is located outside of the RWQCB's septic prohibition zone" (also known as the "PZ" or "sewer service area"). The property in question is located at 208 Madera St., Los Osos (designated by red star in map below). *This factual context is crucial as it directly impacts the applicability of Special Condition 6 and the overall evaluation of the appeal.*



P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com
ACQUISITION MARKETING LAND USE REDEVELOPMENT

J. H. EDWARDS COMPANY
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Appeal Contention 1: Inadequate Water Supply

The project has been conditioned by the County of San Luis Obispo, pursuant to Condition No. 15, to perform an off-site plumbing retrofit at a 2:1 ratio. This is consistent with the County's long-standing water-neutral policy for Los Osos. On a macro level, the community of Los Osos has reduced groundwater basin demand from 3720 acre-feet per year to 1650 acre-feet per year over three decades. This equates to a reduction in per capita demand from approximately 160 gallons per day to just over 60 gallons per day. Given that the basin safe yield is 2380 AFY, the community's current demand of 1650 AFY is well within the safe annual yield (Source: 2023 Los Osos Basin Plan Groundwater Monitoring Program Annual Monitoring Report).

Additionally, the staff report for item Th14a (Los Osos Community Plan) to be heard on June 13, 2024, states: "...staff believes that the evidence shows that there aren't coastal resource problems with the basin, and that there is enough water to provide for new housing, visitor-serving uses, and other core needs to keep Los Osos a thriving Coastal community, which is also a core Coastal Act objective." The report further states: "Moreover, there aren't any documented problems with community water extractions having specific adverse impacts on Los Osos aquatic resources, such as wetlands, streams, or Morro Bay itself."

Appeal Contention 2: Violation of Special Condition 6

The staff's assertion that Special Condition 6 applies to the subject property is incorrect. Special Condition 6 does not apply to properties such as the one in question, which is outside of the Prohibition Zone/Los Osos Water Recycling Facility service area.

The condition 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."*

Our Position:

Clearly, the subject property is not within the wastewater service area and as a result is not subject to Special Condition 6. The suggestion that it is subject to this condition is a factual misstatement that could lead to confusion regarding the scope of the Los Osos Community Plan and its application.

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The subject infill residence is located in Tract 1342 (CDP 4-87-337), which was approved by the California Coastal Commission at a de novo hearing on May 7, 1988. The subdivision was conditioned to address coastal resource issues. To date, 35 of the 40 lots created in Tract 1342 have been developed with single-family homes without a single appeal or Coastal Commission involvement.

The public expects consistency from government agencies in how they discharge their responsibilities. Contrary to staff's assertion, a NO Substantial Issue determination is the only decision that would preserve consistency on the part of this Commission.

Thank you in advance for your attention. Please feel free to contact me with any questions.

Sincerely,

Jeff Edwards

Jeff Edwards

Cc: Leanne Watt and Steven Brawer
Director of Planning and Building, San Luis Obispo County, Trevor Keith



June 7, 2024

Dear Commissioners,

I am Patrick McGibney, the appellant, a 50 year resident of Los Osos and Chair of the Los Osos Sustainability Group. We hope you enjoy your stay here in Morro Bay and encourage you to venture across the Bay to visit Los Osos and Baywood Park. Years ago this area was a small summer retreat of second homes, but it experienced a suburban residential building boom promoted by the County in the 1970s that, in many respects - as your staff reports, disregarded its physical constraints and developed in excess of what the Los Osos groundwater basin – the community’s sole source of water to this day – could accommodate. It’s people like Steven Brawer and Leanne Watt who are now suffering the consequences of the County’s mismanagement.

Nitrates are still a big problem in this basin, and as we now know, so are pharmaceuticals and PFAS. These, on top of the continued rise in chloride levels, are a real concern to the sustainability of our water basin. The staff report for this projects says, “Although current data suggests that the groundwater basin is tending towards health and sustainability” (p2 staff report). I think they meant trending, but either way, the Basin is a long ways from being sustainable, and with the predicted extended droughts, your staff may need to reassess their assessments.

Their project would be located in the Cabrillo Estates, where they still allow septic use. This neighborhood is not on the sewer because in 1983 when the Regional Water Board declared a building moratorium, only a portion of Los Osos was put on it. They believed the plume of effluents from Cabrillo would head west toward the ocean, not north, into the Bay and aquifer, so they neglected to add Cabrillo to the building prohibition Zone and require sewer hookups.

The EAP states that “[p]erhaps no factor is of greater concern today than the future availability of potable water for Los Osos”. . . It also states, “Los Osos is confronted with two basic problems[:] Groundwater extraction levels and groundwater quality which is showing indications of possible deterioration” (page 10 Th14a Staff report).

Extraction levels have been significantly reduced. Those living in the prohibition zone had to retrofit their toilets, etc., to connect to the sewer. Your Condition 5 required the County make available 5 million dollars for that purpose, but only half of that has been spent. Everyone has tried to reduce water use by flushing less, shorter showers, removing lawns, but current data shows chloride levels are still on the rise; seawater intrusion is still with us.

The substantial issues for this project cited in the staff report, are the same issues other appeals have been based upon, and which this Commission has taken jurisdiction over. This basin is not at a sustainable level to support additional water use. We support Staff's findings of substantial issue, and we ask that you do too.

Respectfully,

Patrick McGibney
Los Osos Sustainability Group, Chair

Public Comment on June 2024 Agenda Item Wednesday 15a - Appeal No. A-3-SLO-24-0011 (Brawer/Watt SFD, Los Osos)

Brandwine Glenn <brandwineg@gmail.com>

Thu 6/6/2024 6:45 PM

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

I would like to say that I have a hard time believing our community could support anymore housing then we already have and would really like the coastal commission to please look deeper into this before voting yes on expanding the los osos community. We were so desperate for water during the long drought. We all had to cut back and you could see how hard it was on all of us. Please please please make the right call for us not the contractors. Thank you!

Brandi and Greg Glenn

35+ years residents

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JUN 07 2024

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Jackson, Devon@Coastal

From: CentralCoast@Coastal
Sent: Thursday, May 30, 2024 3:04 PM
To: Jackson, Devon@Coastal
Subject: Fw: Public Comment on June 2024 Agenda Item Wednesday 15a - Appeal No. A-3-SLO-24-0011 (Brawer/Watt SFD, Los Osos)

From: office bearvalleyre.com <office@bearvalleyre.com>
Sent: Thursday, May 30, 2024 2:55 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on June 2024 Agenda Item Wednesday 15a - Appeal No. A-3-SLO-24-0011 (Brawer/Watt SFD, Los Osos)

Hello,

I am in FAVOR of granting Brawer/Watt a building permit.

Thank you,

Dianne Blanchard, Broker

DRE #01945483

Broker and Transaction Coordinator



900 Los Osos Valley Road Suite A
Los Osos, CA 93402
805-528-0100