

## Nicole Retana

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**From:** Brandi Cummings  
**Sent:** Tuesday, August 30, 2016 8:12 AM  
**To:** Nicole Retana  
**Subject:** Fw: Novy SFD Denial Support Letter  
**Attachments:** PD staff rec letter of support denial Novy SFD 8.29.16.pdf

Novy Correspondence for Friday.



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**From:** Robinson, Daniel@Coastal <Daniel.Robinson@coastal.ca.gov>  
**Sent:** Monday, August 29, 2016 5:06 PM  
**To:** Robert Fitzroy; Brandi Cummings  
**Cc:** Jeff Edwards (jhedwardscompany@gmail.com); Rokke, Jon@Waterboards  
**Subject:** Novy SFD Denial Support Letter

Hello all:

Please see our letter attached for the SLO County PD hearing on September 2<sup>nd</sup> regarding the proposed SFD at 1325 Pasadena.

A signed hardcopy will be sent via regular mail.

Thanks,  
Daniel

**CALIFORNIA COASTAL COMMISSION**

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SANTA CRUZ, CA 95060  
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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.”<sup>1</sup>***

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

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<sup>1</sup> 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