

Rosalyn Piza

From: Kate Ballantyne
Sent: Tuesday, July 21, 2020 1:10 PM
To: Mark Chiaramonte; Rosalyn Piza; John Austin
Subject: FW: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Hi All-

Please see below. Coastal is saying the lateral used for an ADU is immaterial to Condition 6. We can now proceed with this will serve for the project we've been discussing. Rosalyn, can you reach back out to planning to see how they are processing this permit now? Thanks for your patience, everyone.

Kate



Kate Ballantyne

Deputy Director

Public Works, County of San Luis Obispo

Tel: (805) 781-5458 | *An APWA Accredited Agency*

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From: David Grim <dgrim@co.slo.ca.us>
Sent: Tuesday, July 21, 2020 10:02 AM
To: Kate Ballantyne <kballantyne@co.slo.ca.us>; John Waddell <jwaddell@co.slo.ca.us>
Subject: FW: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

See below for CCC's determination on the ADU in question.



David E. Grim

Development Services Manager/EOC Logistics (COVID)

Public Works, County of San Luis Obispo

805-781-5252

From: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>
Sent: Tuesday, July 21, 2020 9:55 AM
To: Airlin Singewald <asingewald@co.slo.ca.us>; David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kevin.Kahn_coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>
Subject: Re: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Hello Airlin,

Thanks for checking in again on this. After discussing internally, our understanding is that Special Condition 6 would not be applicable to a Secondary Dwelling Unit proposed on an already developed property and it would be immaterial whether the unit utilizes a separate existing lateral or connects to the main structure's

lateral, as it would not make a difference in terms of impact to sewer capacity and would actually result in less disturbance on the site overall.

I will note that the Commission unanimously denied the Shear Development LLC project in Los Osos, where the Applicant argued that the vacant lots at issue were "developed" due to the existing capped laterals on the lots and other subdivision improvements. That project is distinct from the situation here, where the lot is already receiving active sewer service and is more akin to a new addition on an existing house than new sewer service, regardless of which lateral it connects to.

Hopefully that helps.

Thank you,
Brian

From: Airlin Singewald <asingewald@co.slo.ca.us>

Sent: Monday, July 20, 2020 2:15 PM

To: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>; David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>

Subject: Re: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Brian,

We were hoping to discuss this question during our conference call last Friday, but as you know the meeting was cancelled.

Prior to investing in the significant cost of moving forward with their permit, this applicant is hoping for some feedback regarding Coastal staff's stance on the applicability of Special Condition #6 to an ADU on an existing developed parcel.

As I mentioned in my last email, the proposed ADU complies (or can be modified to comply) with the existing certified LCP in terms of minimum site area, building size, and all other LCP requirements.

We understand that an ADU is an appealable use and, as such, there is no guarantee of avoiding an appeal; however, Coastal staff has raised concerns about consistency with Special Condition #6 and, as such, we'd like to be able to advise the applicant on this issue.

Thank you,

Airlin

Airlin M. Singewald

Planning Manager

(p) 805-781-5198



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF PLANNING & BUILDING

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From: Airlin Singewald <asingewald@co.slo.ca.us>

Sent: Wednesday, July 8, 2020 12:51 PM

To: brian.o'neill@coastal.ca.gov <brian.o'neill@coastal.ca.gov>; David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kevin.Kahn_coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <ryan.moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>

Subject: Re: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Brian,

On this particular ADU, it's my understanding that the site meets the currently adopted 12,000 SF minimum site area. If the applicant reduced the size of the ADU to 800 SF, the ADU would comply with the current LCP provisions for ADUs and the only outstanding question for Coastal staff would be your interpretation of Special Condition 6. While I understand your analysis below regarding the impacts of ADUs, it seems clear to us that the ADU would be allowed on an existing developed lot and the required 2:1 retrofits would offset the project's water impacts.

Based on this analysis, we anticipate issuing the ADU permit (with the required noticing) and would like to advise the applicant on Coastal staff's position, so they can have some degree of certainty moving forward.

Airlin M. Singewald

Planning Manager

(p) 805-781-5198

asingewald@co.slo.ca.us



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DEPARTMENT OF PLANNING & BUILDING

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From: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>

Sent: Tuesday, June 23, 2020 2:43 PM

To: Airlin Singewald <asingewald@co.slo.ca.us>; David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kevin.Kahn_coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>

Subject: Re: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Hello Airlin,

Thanks for the clarification. My understanding was that the applicant was applying directly for a building permit. To confirm, the County is going to require a plot plan application that will be sent to our office for review, the project would be publicly noticed, and we would receive a notice of any final action. Is that correct?

Again, our understanding is that any currently certified LCP requirement (e.g. maximum size, minimum lot size, parking, setbacks, open space, etc.) constitutes state law and as such remains in full force and effect until such time the LCP is amended. Perhaps I misheard, but I also thought that the proposed ADU was for 1,100 square feet and the current LCP maximum is 800. I don't have the details of this specific project to analyze LCP consistency, but we can reiterate that point if the project moves forward to plot plan review.

Finally, the law also makes clear that ADUs may have independent impacts on water and sewer services. The law notes that local agencies "shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be

permitted." I have not had a chance to internally discuss the implications of Special Condition 6 as it relates to this specific project and am not concluding on this issue, but I am just generally noting that the law specifically separates the impact that ADUs may have on water and sewer services as distinct from the main residential use.

~Brian

From: Airlin Singewald <asingewald@co.slo.ca.us>

Sent: Tuesday, June 23, 2020 11:17 AM

To: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>; David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kate Ballantyne <kballantyne@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Schani Siong <ssiong@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>

Cc: Trevor Keith <tkeith@co.slo.ca.us>; Fitzroy, Rob@San Luis Obispo County <rfitzroy@co.slo.ca.us>; Xzandrea D. Fowler <xfowler@co.slo.ca.us>

Subject: Re: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

Brian,

Thank you for your response regarding permitting requirements for ADUs in the Coastal Zone. To be clear, the County is not proposing to implement an ordinance / LCP amendment that has not been certified by the Coastal Commission.

I agree that a CDP is required for an ADU/Secondary Dwelling under the existing ordinance and that an ADU/Secondary Dwelling must comply with the LCP; however, the County's zoning clearance / plot plan would constitute the CDP. Section 23.08.169(d) states that "a public hearing is not required" for ADUs/Secondary Dwellings meeting the definition of appealable development. Since a public hearing cannot be required for ADUs/Secondary Dwellings per Title 23 and State law, we cannot require a Minor Use Permit (or other discretionary permit) and the County's zoning clearance / plot plan constitutes the CDP. Through the zoning clearance / plot plan process, we would verify compliance with the County's LCP.

The existing ordinance requirement that we cannot implement as of January 1, 2020, due to State ADU law, is the current minimum 12,000 SF site area requirement for ADUs in Los Osos. Our counsel has advised that applying minimum site area requirements to the permitting of ADUs is not permissible under State law.

While I missed the first part of the phone call, I believe the question for Coastal Commission staff was regarding the applicability of Special Condition #6 to ADUs. It's my understanding that Special Condition #6 speaks to new development on vacant lots. By definition, an ADU/ Secondary Dwelling must be located on a developed lot and therefore would not be prohibited by Special Condition #6. This is also consistent with State law which directs cities and counties to consider an ADU to be an accessory use to a single family dwelling.

Airlin M. Singewald

Planning Manager

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COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF PLANNING & BUILDING

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From: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>

Sent: Tuesday, June 23, 2020 10:50 AM

To: David Grim <dgrim@co.slo.ca.us>; John Austin <JAustin@co.slo.ca.us>; Kate Ballantyne <kballantyne@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Schani Siong <ssiong@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; Kevin.Kahn_coastal.ca.gov <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>

Cc: Airlin Singewald <asingewald@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Robert Fitzroy <rfitzroy@co.slo.ca.us>; Xzandrea D. Fowler <xfowler@co.slo.ca.us>

Subject: [EXT]Re: Coastal Commission Conference Call (Monthly, 2020 series)

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello David,

I actually just sent an email to Airlin this morning to explain that the revised ADU ordinance cannot be implemented and is not effective within the County's Coastal Zone unless and until the ordinance is submitted as an LCP amendment and certified by the Commission. That means all proposed ADU's at this time must be processed under current LCP permit requirements and must be consistent with certified LCP standards. My understanding is that would mean the ADU currently proposed in Los Osos would require a CDP.

While the state ADU law includes a preemption provision with respect to local ordinances, LCPs are not strictly a matter of local law and embody state Coastal Act policies. The ADU law expressly states that it is not intended to alter or lessen the effect of the Coastal Act, which would include certified LCPs. We provided a memo, which was reviewed by HCD, on this and other issues. That memo can be found

here: <https://documents.coastal.ca.gov/assets/rflg/California%20Coastal%20Commission%20ADU%20Memo%20dated%20042120.pdf>

The issue of ADUs in Los Osos generally will need to be fleshed out when the County's LCP amendment request is submitted.

Thank you,
Brian

From: David Grim <dgrim@co.slo.ca.us>
Sent: Tuesday, June 23, 2020 10:25 AM
To: John Austin <JAustin@co.slo.ca.us>; Kate Ballantyne <kballantyne@co.slo.ca.us>; Kerry Brown <kbrown@co.slo.ca.us>; Schani Siong <ssiong@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>; O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; Moroney, Ryan@Coastal <Ryan.Moroney@coastal.ca.gov>; Susan Callado <scallado@co.slo.ca.us>
Cc: Singewald, Airlin <asingewald@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Fitzroy, Rob@San Luis Obispo County <rfitzroy@co.slo.ca.us>; Xzandrea D. Fowler <xfowler@co.slo.ca.us>
Subject: RE: Coastal Commission Conference Call (Monthly, 2020 series)

Hello Brian and Ryan,

Just to follow up on our call last week, the following is a short summary of our discussion:

Coastal staff firm, that for this case, the existing not-in-use lateral should not be used, nor should a will-serve be issued/building permit issued for its use.

Whether the ADU could be built and use the existing in-use lateral (currently in use for the primary residence) could be considered, but Brian will want to discuss with other Coastal Staff internally.

Please let us know the outcome of your internal discussion.

Thank you!



David E. Grim
Development Services Manager
Public Works, County of San Luis Obispo
805-781-5252

-----Original Appointment-----

From: PL_PlnBldg_Mtgs <PL_PlnBldg_Mtgs@co.slo.ca.us>
Sent: Tuesday, June 16, 2020 2:48 PM
To: PL_PlnBldg_Mtgs; David Grim; John Austin; Kate Ballantyne; Hilary Brown; Kerry Brown; Schani Siong; Steve Mc Masters; brian.o'neill@coastal.ca.gov; Kevin.Kahn_coastal.ca.gov; ryan.moroney@coastal.ca.gov
Cc: Airlin Singewald; Anthony Schuetze; Brendan E. Norton; Brian Pedrotti; Cammie L. Dalen; Cindy A. Chambers; Cody Scheel; Cory Hanh; Daniel J. Del Rio; Daniela Chavez; Emi D. Sugiyama; Eric Hughes; Erik G. Valentine; Genae Sarver; Hallie E. Scott; Hannah Miller; Holly Phipps; Ian N. Landreth; Jennifer Caffee; Jennifer Guetschow; Jillian H. Ferguson; Johanna R. Hinojos; Karen Nall; Kate B. Shea; Kimberly Nguyen; Kip J. Morais; Kylie Hensley; Lacey Minnick; Lori B. Hoffman; Matt Janssen; Matt Leal; Misty R. Gin; Nick Forester; Riley Anderson-Barrett; Robert Fitzroy; Ryan Foster; Shayna K. Gropen; Stephanie Fuhs; Susan Callado; Ted Bench; Terry Wahler; Tony Navarro; Trevor Keith; Xzandrea D. Fowler; Young L. Choi; Zarina Hackney

Subject: Coastal Commission Conference Call (Monthly, 2020 series)

When: Friday, June 19, 2020 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: PL_Conf_300_Large/County Government Center

I'm hoping you two are able to attend this conference call to discuss the ADU issue and Coastal Condition 6.

-----Original Appointment-----

From: PL_PlnBldg_Mtgs <PL_PlnBldg_Mtgs@co.slo.ca.us>

Sent: Tuesday, June 16, 2020 1:05 PM

To: PL_PlnBldg_Mtgs; Kate Ballantyne; Hilary Brown; Kerry Brown; Schani Siong; Steve Mc Masters; brian.o'neill@coastal.ca.gov; Kevin.Kahn_coastal.ca.gov; ryan.moroney@coastal.ca.gov

Cc: Airlin Singewald; Anthony Schuetze; Brendan E. Norton; Brian Pedrotti; Cammie L. Dalen; Cindy A. Chambers; Cody Scheel; Cory Hanh; Daniel J. Del Rio; Daniela Chavez; Emi D. Sugiyama; Eric Hughes; Erik G. Valentine; Genae Sarver; Hallie E. Scott; Hannah Miller; Holly Phipps; Ian N. Landreth; Jennifer Caffee; Jennifer Guetschow; Jillian H. Ferguson; Johanna R. Hinojos; Karen Nall; Kate B. Shea; Kimberly Nguyen; Kip J. Morais; Kylie Hensley; Lacey Minnick; Lori B. Hoffman; Matt Janssen; Matt Leal; Misty R. Gin; Nick Forester; Riley Anderson-Barrett; Robert Fitzroy; Ryan Foster; Shayna K. Gropen; Stephanie Fuhs; Susan Callado; Ted Bench; Terry Wahler; Tony Navarro; Trevor Keith; Xzandrea D. Fowler; Young L. Choi; Zarina Hackney

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When: Friday, June 19, 2020 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: PL_Conf_300_Large/County Government Center

-----Original Appointment-----

From: PL_PlnBldg_Mtgs <PL_PlnBldg_Mtgs@co.slo.ca.us>

Sent: Tuesday, March 3, 2020 9:51 AM

To: PL_PlnBldg_Mtgs; Hilary Brown; Kerry Brown; Schani Siong; Steve Mc Masters; brian.o'neill@coastal.ca.gov; Kevin.Kahn_coastal.ca.gov; ryan.moroney@coastal.ca.gov

Cc: Airlin Singewald; Anthony Schuetze; Brendan E. Norton; Brian Pedrotti; Cammie L. Dalen; Cindy A. Chambers; Cody Scheel; Cory Hanh; Daniel J. Del Rio; Daniela Chavez; Emi D. Sugiyama; Eric Hughes; Erik G. Valentine; Genae Sarver; Hallie E. Scott; Hannah Miller; Holly Phipps; Ian N. Landreth; Jennifer Caffee; Jennifer Guetschow; Jillian H. Ferguson; Johanna R. Hinojos; Karen Nall; Kate B. Shea; Kimberly Nguyen; Kip J. Morais; Kylie Hensley; Lacey Minnick; Lori B. Hoffman; Matt Janssen; Matt Leal; Misty R. Gin; Nick Forester; Riley Anderson-Barrett; Robert Fitzroy; Ryan Foster; Shayna K. Gropen; Stephanie Fuhs; Susan Callado; Ted Bench; Terry Wahler; Tony Navarro; Trevor Keith; Xzandrea D. Fowler; Young L. Choi; Zarina Hackney

Subject: Coastal Commission Conference Call (Monthly, 2020 series)

When: Friday, June 19, 2020 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: PL_Conf_300_Large/County Government Center

Recurring Meeting Invite for ** 2020 ** Monthly Conference Call w/ Coastal Commission staff regarding new and/or ongoing Coastal projects for County of SLO Dept of Planning & Building.

Third Friday of Every Month, 11:00 am – 12:00 pm

****PLEASE SCROLL DOWN FOR CALL-IN DETAILS****

INSTRUCTIONS FOR SUBMITTING AGENDA ITEMS:

Items are due by WEDNESDAY of the same week.

1. Ensure that you have accepted the recurring invite for the Coastal Commission Conference Call from e-mail address pl_chairperson@co.slo.ca.us

(if you need to be re-added, include that request in Step 2)

2. Send an e-mail to hbrown@co.slo.ca.us with the Subject: **CC Call Agenda Item**

Please include the following in the body of the e-mail:

- **Item / Project Name:** Short description only (Example, "Avila Temporary Events", "DRC2019-12345 Smith Minor Use Permit", etc.)
- **Action Path:** choose as many as needed: 'Present', 'Discuss', 'Agree', or 'Action'
- **Who:** Name of person requesting and/or presenting
- **Time Needed:** increments of 5 minutes, 20 minutes maximum

****NEW CONFERENCE CALL INFORMATION****

Cisco Meeting Now (Conference Room Call Instructions for Meeting Participants)

1. Call 805-788-9200
2. Input the Meeting Number (**4020**) followed by #
3. Press # again to continue as a participant
4. Enter Access Number (**124578**) followed by #
5. If the call organizer has not yet joined, there will be hold music.