

DRAFT

**Land Use Committee Meeting Minutes
December 6, 2021
Zoom Virtual**

Committee Members

LOCAC Members

Larry Bender – Chairperson
Lynette Tornatzky – District One
Yael Korin – District One
Sue Morgenthaler – District Four
Trish Bartel – District Four

Public Members

Robin McPeak
Paul Hershfield
Julie Tacker
Linde Owen

1. Greetings and Introductions

- a. Meeting called to order by chairperson Larry Bender at 7:03 pm
- b. Larry Bender gave an introduction to Zoom procedures for the committee and public

2. Call to Order, Roll Call

- a. Present: Larry Bender, Lynette Tornatzky, Yael Korin, Sue Morgenthaler, Julie Tacker, Trish Bartel, Robin McPeak, Linde Owen

3. Chairperson Announcements

- a. Announced that Paul Hershfield has resigned from LUC.

4. Member Announcements

- a. No announcements

5. Public Announcements

- a. Patrick McGibney stated that the Los Osos Sustainability group will be appealing all 4 projects listed on the agenda to the Coastal Commission. Coastal Commission is currently looking at all vacation rental projects in Los Osos. Mr. McGibney also believes that vacation rental clients won't take our water issues seriously. Also stated that 3 of the projects on the agenda don't have adequate septic systems.
- b. Yael Korin stated that Patrick should not be discussing the projects prior to the committee discussing the projects. Stated that vacation rental guidelines do not include homestays

- c. Kurt Mammen stated he is on the agenda tonight and can he discuss his project now, Larry Bender asked him to wait till we get to it.
- d. Elena Solais said her family has lived here since 1940 and they want to build an ADU to support long term care needs within her family.
- e. Bob Crizer responded to Patrick about his committee appealing the projects on the agenda. He stated he doesn't support Patrick's views on appealing the projects especially projects that are ADU and guest houses.
- f. Linde Owen stated that there is a water war going on. Basin doesn't look sustainable, she has concerns on septic systems, S&T wells have increased nitrates, she would like to see upgraded septic systems in all new builds.
- g. Julie Tacker said that advanced septic systems were discussed at the Basin Management meeting and new rules were discussed. Ms. Tacker requested the committee to invite the Basin Management committee to present to LUC in the near future.
- h. Kurt Mammen said that he has completed everything the County has asked him regarding his home being built.

6. Approve Minutes

- a. Julie Tacker made a Motion to approve the minutes from November 1, 2021, Yael Korin seconded. All approved

7. Agenda Items including Public Comment

- a. **DRC2021-00026 Mammen** - Proposed Minor Use permit/Coastal Development Permit to construct a new one-story 1,916 SF single family residence with attached 567 SF unconditioned garage, located on a vacant lot at APN:074-324-067 in Los Osos, within the Estero Planning Area.
 - i. Kurt Mammen discussed his project stating: His family has lived here for 30 years, just retired as a professor at Cal Poly and his wife is a nurse locally. Bought the property because it was outside the prohibition zone in 2006. They have completed requirement that the County has requested. They currently live in a small one-bathroom house adjacent to the lot they want to build on. They will sell the house they currently live in after they build to pay for the fees from the County.
 - ii. Member Comments
 - 1. Yael Korin asked if they still live in the house adjacent, answer was yes. Mr. Mammen has spent \$50,000 already in fees prior to building.
 - 2. Julie Tacker said that since they received the Title 19 certificate in 2014, they have been saving water since then.
 - 3. Linde Owen asked if they could just stay where they are.

4. Sue Morgenthaler said that LUC appreciates your story and LUC will not decide your fate, we will just tell the County how we feel. LOCAC made a decision not to support new projects that use water.
- iii. Public Comments
 1. Kurt Mammen stated that LUC should review projects for validity and then add the political statement.
- iv. Motion – Sue Morgenthaler made a motion: Following the action taken by LOCAC, LUC will not make a recommendation on this project until the water concerns of the Basin Management Committee, the CSD, the Coastal Commission Staff, and our water purveyors have been resolved. Although the project has merits and you are doing exactly what the County has asked of you, added water at this time is very questionable and we will not support it. Seconded by Trish Bartel. All in favor 5 (Larry, Sue, Trish, Robin, Linde), abstained 2(Yael, Lynette), no 1(Julie)
- b. **C-DRC2021-00227** – Welton Proposed Minor Use Permit/Coastal Development Permit to construct single-family residence located at 2493 San Sebastian, Los Osos. This project was approved by the LUC/LOCAC on April 2021. Project has one change. The owners eliminated the ADU and added an additional bedroom to the house.
 - i. Member Comments
 1. Linde Owen said she reviewed the plans and it looks like a 4th bedroom is being added.
 2. The Weltons stated that they have a tier 2 septic system (\$50,000 sewage system plant) in their plans. They are using only native plants, they have a water capturing system in place to water plants, they will use permeable pavers in driveway to allow water to absorb back in the ground, they will have a portion of their roof become a green roof
 - ii. Public Comments - none
 - iii. Motion – Julie Tacker recommended approval and for this project to go onto the LOCAC agenda. Second by Lynette. Abstain by Yael, no by Sue, Trish, Linde, Robin and Larry (5)
- c. **C-DRC2021- 00024 Purewal** – Permit to construct a single family 3,300 SF residence with an attached 590 SF guest house and a 1,380SF garage located at 200 Madera Street, Los Osos. Bob Crizer the builder of this project stated that the water retrofits were sold with the land. No water has been used in 10 years.
 - i. Member Comments
 1. Julie Tacker recused herself due to working on this project

2. Trish Bartel asked about the guest house, what would be within the house. Mr. Crizer said a bedroom, wet bar and a bathroom.
3. Robin McPeak asked about the definition that Mr. Crizer is using for the guest house. Mr. Crizer had an inappropriate response
4. Sue Morgenthaler addressed Mr. Crizer that we are an advisory committee and we don't want to hear his threatening manner on members questions.
5. Linde Owen said the land was purchased in March of this year. The owners would have known the issues. The water credits are not accurate, Linde believes the water numbers are off. Does not believe the house and guest house will only use 150 gallons of water a day. Also has a concern about the lower quality septic tank,

ii. Public Comments

1. Bob Crizer said that a person can buy land and follow all the rules, LUC is being completely discriminatory and wrong

- iii. Motion – Lynette Tornatzky made a motion to approve and send to full LOCAC committee. No second, Sue Morgenthaler made a motion Following the action taken by LOCAC, LUC will not make a recommendation on this project until the water concerns of the Basin Management Committee, the CSD, the Coastal Commission Staff, and our water purveyors have been resolved. Although the project has merits and you are doing exactly what the County has asked of you, added water at this time is very questionable and we will not support it. Linde Owen seconded, yes (5) Sue, Trish, Larry, Robin, Linde, opposed (1) Lynette, abstain (1) Yael, recused (1) Julie

- d. **C-DRC2021-00017 Della** – Request for a Minor Use Permit/Coastal Development permit for a proposed vacation rental within an existing 668 SF single family home located at 1498 11th Street in Los Osos. Emma and Austin Della have lived in their home since 2018. They are teachers and want to use their one-bedroom home as a vacation rental in the summer months when they go camping. They would only be renting to a single couple due to their house size.

i. Members Comments

1. Lynette Tornatzky stated she doesn't see any problems
2. Linde Owen said she went by the property and sees an airstream in the backyard. Emma Della said it is used for storage.
3. Julie Tacker said she is in support, the ordinance on vacation rentals has not passed by the Coastal

Commission and Julie stated she doesn't think the 500' will pass either. Julie thought they are a lovely couple and we should help them stay in Los Osos.

4. Sue Morgenthaler stated the even though the ordinance is not law yet, we represent the community who wanted this and we all voted to follow the ordinance
5. Trish Bartel said that this committee voted to follow the ordinance on every project
6. Robin McPeak said 500' means 500', where would we draw the lines if we start changing the distance. This was passed by LOCAC, planning commission and Board of Supervisors
7. Yael Korin said that homestays are different, she will support due to 20' difference
8. Sue Morgenthaler said the planning department included home stays within the vacation rental ordinance. LOCAC supports the ordinance completely

ii. Public Comments

1. Dave Bowlus said the community went through a lot of compromise to get to the 500' and a lot of work to complete the guidelines. Need to keep the 500'
2. Lisa Denker agrees with Dave and Robin that we must stick with the 500'. It was a long creation process getting through the hearings. The applicant should come back after the coastal commission hearing.
3. Elena Salais said that this young family is trying to stay in LO. Los Osos isn't affordable.
4. Linde Owens said the county needs to tell the applicants how we are going to vote prior to them paying the money for permits
5. Lisa Denker said we are trying to preserve housing stock which is the reason for the vacation rental ordinance
6. Lynette Tornatzky said we are advisory only, we aren't the problem
7. Kurt Mammen appreciates Linde comments, the County needs to tell applicants earlier
8. Schani Siong from the planning department in SLO discussed her thoughts. The Planning Department process is to tell/disclose the applicants everything. The final decision is up to the applicant. The tone has been set by planning department/Board of Supervisors to follow the ordinance EXACTLY as written today and wait for the Coastal Commission decision. They are in a grey

period. They the planning department must follow ordinance exactly. Ms. Siong will take the concerns she heard tonight back to the planning committee.

9. Sue Morgenthaler thanked Ms. Siong for attending tonight

iii. Motion was made by Julie Tacker to recommend approval to LOCAC. Second by Lynette, yes (2) Lynette/Julie, No (5) Sue/Robin/Yael/Trish/Larry, Abstain (1) Linde

8. Adjourned

a. Adjournment at 9:16 pm