

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MAY 10, 2007  
Prepared on April 18, 2007

ITEM NUMBER: 3

SUBJECT: BISHOP PROPERTY, LOS OSOS/BAYWOOD PARK PROHIBITION  
AREA, SAN LUIS OBISPO COUNTY

KEY INFORMATION

Location: 1220 Santa Ysabel Street, Los Osos,  
within Los Osos/Baywood Park Prohibition Zone,  
San Luis Obispo County  
Type of Waste: Domestic wastewater  
Action Proposed: Board Direction/Action

SUMMARY

Lawrence and Kathleen Bishop own a single family residence at 1220 Santa Ysabel Street, located in the Los Osos/Baywood Park Basin Plan prohibition zone. On December 27, 2006, Mr. Bishop requested authorization from the Central Coast Water Board to allow credit of an unpermitted, existing bathroom toward installation of an equivalent bathroom in a house to be rebuilt on the site. Staff denied the request, and Mr. Bishop is now requesting the Water Board to reconsider that decision.

BACKGROUND

The Los Osos/Baywood Park area of San Luis Obispo County is located on the southern edge of Morro Bay National Estuary, approximately ten miles west of the City of San Luis Obispo. The community has a population of approximately 15,000 people, and contains about 5,000 individual lots. Throughout the community, onsite septic systems are used for treatment and disposal of wastewater. The soils within the Los Osos/Baywood Park area are mostly sand with very high wastewater percolation rates, and many of the lots are only 25 or 37.5 feet wide by 125 feet deep. Due to the small lot size, the use of conventional leachfields is at times not possible; therefore, deeper seepage pits are used. Depth to groundwater varies throughout the community; however, in shallow areas seepage pits (and sometimes standard leachlines) discharge directly to groundwater with no separation. In some cases, septic tank effluent pumps are used to pump the effluent into the leachfields due to high groundwater.

In 1983, the Central Coast Water Board adopted Resolution No. 83-13, which amended the Water Quality Control Plan, Central Coast Basin (Basin Plan) and prohibited discharges of waste from individual and community onsite systems within the Los Osos/Baywood Park area. The resolution established a timeline for the County of San Luis Obispo (County) to construct a community sewer system, with a prohibition of disposal from onsite systems in 1988.

### CONSTRUCTION WITHIN THE PROHIBITION ZONE AFTER 1983

The Water Board included in Resolution No. 83-13 an allowance of 1150 single family dwellings to be built within the prohibition zone between the years of 1983 and 1988. However, once the discharge prohibition became effective in 1988, all discharges from individual and community onsite system were prohibited. After adoption of Resolution No. 83-13, Water Board staff informed the County of the implications of the prohibition of onsite system waste discharges upon the County's responsibilities. Water Board staff directed the County to stop issuing permits for additional onsite systems within the prohibition zone, as well as permits that would increase the amount of waste discharged from onsite systems (see Attachments 1 and 2, letters dated January 21, 1988, and February 8, 1988, respectively). Therefore, for the last 19 years the County has approved remodels only if the projects would not increase the amount of waste discharged from the onsite systems. Specifically, no additional plumbing fixtures and no additional bedrooms, which potentially increase occupancy, are allowed in remodels. The County has allowed remodels and additions that in some cases significantly increased house sizes without increasing the numbers of bathrooms, bedrooms, or plumbing fixtures.

In 2000, the Los Osos Community Services District was proceeding with a community sewer system. The proposed community sewer project did not include an area within the prohibition zone known as the Bayview Heights and Martin Tracts. Therefore, without an exemption to the prohibition the property owners of the 38 vacant lots in the Bayview Heights and Martin Tracts remained unable to build, even in areas expected to remain unsewered after completion of the community sewer system. In order to address this problem, the Water Board adopted Waste Discharge Requirements General Order No. 00-12, which provides exemptions to the prohibition of wastewater discharge for the Bayview Heights and Martin Tracts.

Currently, the community sewer project is not proceeding as previously envisioned. The lead agency for the project is again the County. The County is presently evaluating alternatives, and it is currently unclear what areas will be sewered and when a community sewer project will be completed. Therefore, staff believes that additional enrollments are not appropriate at this time. Exemptions from the prohibition will remain in effect for those property owners that have already obtained coverage (currently 24 lots enrolled) and that are in compliance with Order No. 00-12.

In recent years, Water Board staff has allowed wastewater credit exchanges from one lot to another to allow changes in use for a small number of projects located within the prohibition zone. Staff evaluated projects on a case-by-case basis to ensure that new or expanded discharges would not result. However, we have now discontinued the practice of allowing wastewater credit exchanges from one lot to another due to numerous problems with ensuring that no violation of the discharge prohibition would occur. Currently staff limits wastewater credit exchanges to the same lot. However, some projects involving location transfers that staff previously approved have not been constructed and may take numerous years to obtain all other required permits and complete construction. Staff does not allow additional bathrooms or bedrooms even when the number of residents will not immediately increase, due to the potential for the number of occupants to increase when the house is sold or rented.

## BISHOP PROPERTY

The Bishops own a single family residence at 1220 Santa Ysabel Street, Los Osos, located within the Los Osos/Baywood Park prohibition zone, and outside the area covered by Waste Discharge Requirements General Order No. 00-12. The Bishops are in the process of demolishing the existing house and building a new single family residence. Lawrence Bishop submitted a letter on December 26, 2006, requesting the Water Board to "accept the building plans as submitted to the County of San Luis Obispo (County) for construction of a remodel of the current residence at 1220 Santa Ysabel in Los Osos (County permit number: PMT 2006-00679)," (see Attachment 3).

The residence at 1220 Santa Ysabel Street currently has only one permitted bathroom. Within the garage is an additional unpermitted bathroom (1 sink, 1 tub/shower and 1 water closet). County staff inspected the garage bathroom and determined that it was most likely built in the mid to late 1970s (based on construction materials and architecture/style). The County considers fixtures to be legal nonconforming (installed legally without a permit) only if completed prior to 1959. Therefore, the County determined that the garage bathroom was not permitted and illegal.

Mr. Bishop contends that Resolution No. 83-13 "imposed a moratorium on new sources of discharge within the Prohibition Zone" and that "this project will create no new sources of discharge within the Prohibition Zone." In fact, Resolution No. 83-13 prohibits the discharge of all waste from individual onsite systems, not just new sources of discharge. The current residence contains only one legal bathroom and only one bathroom should be allowed for the rebuilt house.

## RECOMMENDATION

Deny Lawrence Bishop's request for reconsideration of staff's determination not to allow credit of the unpermitted, existing bathroom toward the rebuild at 1220 Santa Ysabel Street, Los Osos.

## ATTACHMENTS

1. January 21, 1988 letter from Paul C. Crawford to the Water Board
2. February 8, 1988 letter from William R. Leonard to San Luis Obispo County
3. Waste Discharge Requirements General Order No. 00-12
4. December 26, 2006 letter from Lawrence Bishop to the Water Board
5. January 22, 2006 letter from Water Board Staff to the Bishops