

# **North Coast Area Plan Update**

**San Luis Obispo County Local Coastal Program**

**Major Amendment No. 1-97**

**REVISED FINDINGS**



**California Coastal Commission Meeting**

**San Luis Obispo, California**

**January 12-16, 1998**





TO: Coastal Commissioners and Interested Parties  
FROM: Tami Grove, Central Coast Deputy Director  
RE: **Revised Findings, North Coast Area Plan  
Comprehensive Update, San Luis Obispo  
County Local Coastal Program (LCP) Major  
Amendment No. 1-97.**



At its meeting of January 15, 1998, the Commission unanimously denied the San Luis Obispo County LCP Major Amendment 1-97 (North Coast Area Plan Update) as submitted. As discussed in these Revised Findings, the Commission found that the amendment as submitted was not consistent with the Development, Agriculture, Recreation, Visual Resource, Environmentally Sensitive Habitat, Public Access, Hazards, and Archeological policies found in Chapter Three of the Act. The Commission then adopted, by a 9-3 vote, the staff recommendation with associated modifications that would bring the LCP amendment submittal into compliance with the Coastal Act. These Revised Findings reflect the Commission's action on January 15, 1998, findings, revisions, and other modifications covered in the addendum that was distributed at the January 15 hearing. They also incorporate clarifications and changes to the findings made by the Commission and staff at the hearing, based on the existing administrative record. New written text that was not available at the hearing is: revised findings on pages 58-9, 131-33, and 197 (underlined in the text); and one change to Modification 97(5)(b) on page 32 of Appendix A (double underlined in text).

Staff is recommending that the Commission adopt these revised findings to reflect its previous action. It should be noted that only those Commissioners who previously voted to adopt the staff recommendation and suggested modifications are eligible to take action on these revised findings. These are Commissioners Areias, Wan, Allen, Kehoe, Nava, Potter, Reilly, and Tuttle.

## **Principal Staff**

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# Summary of Findings

This submittal is San Luis Obispo County Major Local Coastal Program (LCP) Amendment 1-97: the North Coast Area Plan Update. The California Coastal Commission is reviewing the updated plan for consistency with the applicable resource protection policies and public access policies of the Coastal Act. Staff recommends that the Commission find that the amendment as submitted is not consistent with the development, agriculture, recreation, visual resource, environmentally sensitive habitat, public access, hazards, and archeological policies found in Chapter Three of the Act. Staff has also recommended more than 100 Suggested Modifications to the North Coast Area Plan that, if adopted by the County, would bring the updated North Coast Area Plan into conformance with the Coastal Act.

## Overview

The Update of the North Coast Area Plan (NCAP) was approved by the San Luis Obispo County Board of Supervisors on December 10, 1996. Amendments to the plan were adopted by a new Board of Supervisors on June 3, June 17, and August 5, 1997, to Hearst Resorts, East-West Ranch, and North Cambria properties, respectively. The County is proposing comprehensive revisions to the North Coast Area Plan goals, standards, programs, informational background, land use categories at 21 locations, combining designations at 11 locations, and the location and size of future major developments. The County has also proposed numerous miscellaneous text clarifications, additions, deletions, rearrangements, and typographical corrections. This is the first major revision to the North Coast Area Plan since it was certified by the Commission in 1983 as part of the LCP's Land Use Plan.

In contrast to the typical LCP amendment, which is usually focused on a specific policy or set of policies, this amendment is a *comprehensive* update of the entire North Coast Area Plan. The County intends the update to serve as a comprehensive evaluation of the NCAP, similar to a Periodic Review (see Amendment Description below for details). More importantly, in the fifteen years since the North Coast Area Plan was first certified, there have been significant changes in both environmental circumstances and knowledge about coastal resource protection along the North Coast. These findings consider, therefore, whether the amended North Coast Area Plan as submitted by the County is consistent with the resource protection and public access policies of Chapter 3 of the Coastal Act, in light of these changed circumstances.

The following sections summarize the primary findings concerning the consistency of the updated NCAP in three categories: Hearst Resort Development; Cambria Development; and Rural Area changes. More detail on each of these topics is provided in the findings for each Coastal Act issue area.

## Hearst Resorts Development

The updated NCAP proposes resort development on the Hearst Ranch as follows:

- Ten acres of land are added to an existing 18 acres of land designated “Commercial Retail” adjacent to the State Parks Staging Area for Hearst Castle. This 28 acres could be developed with between 150 and 300 hotel units, a restaurant, shops and two caretaker units.
- Seventeen acres in the small village of Old San Simeon is designated “Commercial Retail.” Potential development includes an 50 unit hotel (added in the new plan), commercial stores, restaurants and a 100 bed hostel (or a 50 site campground).
- Two hundred and forty-eight acres adjacent to Old San Simeon are designated “Recreation”. This includes an additional 60 acres of agricultural land to accommodate an 18 hole golf course. A 250 unit hotel and accessory uses are permitted, although any hotel development must not occur on San Simeon Point itself.
- Fifty acres one half mile north of San Simeon Acres is also in the “Recreation” category. Development on this site includes the proposed 250 unit Pine Resort hotel/lodge and an equestrian facility adjacent the native pine forest.

In total, the County’s proposed plan allows up to 650 units in four phases. An unspecified amount of employee housing is also permitted and is not included in the maximum unit count for hotel units. Employee housing has been added as a permitted use and may now be located on the hotel/golf course site in Old San Simeon, at the Staging Area, and at the Pine Resort.

Most of the remaining Hearst ranchland is in the “Agriculture” category; the revised development proposal does entail the redesignation of approximately 70 acres from Agriculture to Recreation and Commercial Retail. Finally, in addition to proposed expansion of the Recreation designation for the golf course, the updated plan encourages the Hearst Corporation to apply for a future amendment for an additional 300 acres of agricultural land to be converted for expanded golf course use.

Staff Recommendation: The components of the North Coast Area Plan concerning the proposed Hearst Resort development are inconsistent with various policies of the Coastal Act. The Update amendment, as submitted, is not adequate to correct these deficiencies. Coastal Act Section 30250 does not allow for the location and intensity of development currently proposed for the Hearst Ranch, particularly the Pine Resort location and development at the base of San Simeon Point. The proposed development at the Staging Area is inconsistent with Section 30251, which protects visual resources. Development here would also require the conversion of Agricultural grazing lands to non-agricultural development, inconsistent with Section 30242.

Similarly, the golf course adjacent to Old San Simeon is inconsistent with the visual resource and agriculture policies of the Coastal Act, as well as section 30250, which



requires adequate services to be available for new development -- in this case water. And while it is a visitor-serving use, the golf course is also not coastal-dependent recreation and thus, it is subordinate to the protection of agriculture in the Coastal Act hierarchy of priority uses.

When the other various Coastal Act resource constraints are considered, particularly the availability of water, the need to protect environmentally sensitive stream habitat, and the limited capacity of Highway One, it becomes more difficult still to contemplate intensive, relatively unconsolidated resort development on the rural North Coast.

Nonetheless, Coastal Act section 30250(c) does allow visitor-serving development to be located in "existing isolated developments or at selected points of attraction for visitors" if it cannot be feasibly located in existing developed areas. The California State Parks Hearst Castle facility has been a major visitor attraction since the late 1950s. In addition, Old San Simeon does contain a small node of commercial and residential development. Because the type of resort development anticipated by the Hearst Corporation can not be feasibly located in Cambria or San Simeon Acres, a certain amount of visitor-serving development is allowable at Old San Simeon. Based on the limitations of this site, staff is recommending that 100 visitor-serving units be approved for location here.

To expand beyond the Old San Simeon development node, requires the conversion of viable agricultural grazing lands. And because no showing that these lands are not viable has been made, Section 30242 allows such conversion only if development would be concentrated consistent with section 30250. Therefore, the staff is recommending that an additional 275 units be allowed in the immediate vicinity of Old San Simeon, if the allowable uses on the remainder of the Ranch are restricted through amendment of the North Coast standards. This number reflects the non-agricultural development potential of the remainder of the Ranch. Also, staff is recommending a 1000 foot agricultural easement be put around the allowable development area at Old San Simeon, to protect against any future expansion of the designated development envelope.

The actual development envelope is defined by the requirement to concentrate development, as well as geological hazard constraints (the San Simeon Fault Trace), viewshed considerations, environmentally sensitive habitat, and archeological sites. As shown in Figure 1 in the Development findings, staff is recommending that a maximum of 375 units be allowed in a 100 acre site around Old San Simeon. The density of such development will not have an adverse effect on the character of San Simeon Cove, and will result in a site coverage of about 26%.

Finally, the proposed development is necessarily constrained by the need to provide services, as well as protect sensitive resources. Staff is recommending that any new development at Old San Simeon be contingent on a showing of adequate public services, and protection of sensitive coastal resources. Similarly, new visitor-serving development will have impacts on the public access resources of the rural North Coast. Staff is recommending that the County's recommended access improvements associated with Hearst Resorts be strengthened.

### Cambria Development

The North Coast Area Plan is proposing significant changes to the development context in Cambria as well, including changing standards for the proposed subdivision and development of East-West Ranch. Following is a summary of the major features of the updated plan, with brief evaluations and the staff's suggested modifications to bring the NCAP into conformance with the Coastal Act:

- Overall, the NCAP allows development to continue without adequate infrastructure, particularly future water supplies. Modifications require limitations on new development consistent with the provision of needed services.
- NCAP allows urban development on East/West Ranch without annexation to the Cambria Community Service District. This is inconsistent with section 30250 of the Coastal Act, which requires the provision of adequate public services for new development. Suggested Modifications require annexation.
- NCAP allows a private desalinization plant to provide water to the East/West Ranch project. In addition, there is no policy guidance on future wastewater treatment for the project. Modifications require annexation to the community service district to ensure water and wastewater treatment, and prohibit "single project" desalinization plants in urban areas.
- NCAP does not adequately mitigate the impact of new subdivisions. Modifications require new subdivisions to retire existing lots in sufficient quantities to adequately mitigate the creation of new lots.
- NCAP does not contain a strategy for matching the amount of development with available and potentially available infrastructure. Modifications include strategies for reducing development potential and increasing water supplies.
- NCAP does not limit water withdrawals to support continued urban development in a manner that protects environmentally sensitive habitat and agricultural activities. Modifications require study of aquifer to determine appropriate withdrawals consistent with habitat and agricultural needs.
- NCAP allows excessive density outside on the urban/rural boundary. Modifications reduce density to ensure a stable boundary.
- NCAP intensifies uses and densities in an area that already has too many lots for the available resources. Modifications reduce intensity and densities.

### Rural Area Changes

Because much of the rural lands of the North Coast are occupied by the Hearst Ranch, many of the significant changes for the rural lands are discussed above. However, staff is recommending some changes for the rural lands more generally as follows:

- NCAP allows inappropriate development in highly scenic viewshed. Suggested Modifications establish a "critical viewshed" policy similar to that found along the Big

Sur Coast north of the county line, which prohibits most development that would be visible from Highway One.

- NCAP allows Highway One to be expanded to four lanes between Cayucos and Hearst Castle Staging Area. Modifications limit construction of additional lanes in the rural areas of the North Coast Planning Area
- NCAP allows the redesignation of agricultural land to other land uses without meeting Coastal Act agricultural conversion criteria. Modifications limit redesignations.
- NCAP does not provide adequate protection for coastal streams, wetland and other environmentally sensitive habitat. Modifications protect habitats.
- NCAP public access strategies are uncertain and do not maximize access opportunities. Modifications require a specific access component and more access opportunities. A continuous bluff top Coastal Trail is envisioned as a goal.



# Motions and Resolutions

## Denial of Land Use Plan Amendment as Submitted

### MOTION 1:

“I move that the Commission certify amendment # 1-97 to the County of San Luis Obispo Land Use Plan as submitted by the County.”

Staff recommends a **NO** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

### RESOLUTION 1:

The Commission hereby denies certification of Amendment # 1-97 to the North Coast Area Plan, a component of the San Luis Obispo County Local Coastal Program Land Use Plan, as submitted and, for the reasons discussed below, finds that the amended Land Use Plan does not meet the requirements of, and is not in conformity with, the Chapter 3 policies of the California Coastal Act (commencing with Section 30200) to the extent necessary to achieve the goals specified in Coastal Act section 30001.5; and that the certification of the amendment does not meet the requirements of Sections 21080.5(d)(2)(i) of the California Environmental Quality Act, because there are further feasible mitigation measures or feasible alternatives that could substantially lessen significant adverse impacts to the environment.

## Approval of Land Use Plan Amendment if Modified

### MOTION 2:

“I move that the Commission certify amendment # 1-97 to the County of San Luis Obispo Land Use Plan if it is modified as suggested.”

Staff recommends a **YES** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

### RESOLUTION 2:

The Commission hereby approves certification of Amendment # 1-97 to the North Coast Area Plan, a component of the San Luis Obispo County Local Coastal Program Land Use Plan, if modified as suggested and, for the reasons discussed below, finds that the amendment, if modified, meets the requirements of, and is in conformity with, the Chapter 3 policies of the California Coastal Act (commencing with Section 30200) to the extent necessary to achieve the goals specified in Coastal Act section 30001.5; and that the certification of the amendment meets the requirements of Sections 21080.5(d)(2)(i) of the California Environmental Quality Act, because there are no further feasible mitigation measures or feasible alternatives that could substantially lessen significant adverse impacts to the environment.



# **FINDINGS**

## **Description of Amendment**

### **Overview of North Coast Area Plan Update and Standard of Review**

The San Luis Obispo County submittal of the North Coast Area Plan Update is a comprehensive update of the standards, programs, land use map designations, combining designations, narrative descriptions and background information for the entire North Coast Planning Area. The planning area extends from the Monterey County line to four miles north of Cayucos and from just west of the ridge of the Santa Lucia Mountains to the Pacific Ocean. (See Exhibit 1)

The County has been working on the update of the North Coast Area Plan (NCAP) since at least 1989. Since then, the County has conducted numerous public hearings and produced 11 volumes of administrative record. In addition, the San Luis Obispo County Board of Supervisors considered and adopted the North Coast Update once in December of 1996; and reconsidered and amended several major portions of the plan on three separate occasions: June 3, June 17, and August 5 of 1997. Between the December decision and the subsequent hearings, the County revisited certain basic policies of the NCAP concerning the location and intensity of development along the North Coast, as well as a variety of specific standards.

In contrast to the typical LCP amendment, which is usually focused on a specific policy or set of policies, this amendment is a *comprehensive* update of the entire North Coast Area Plan. There is little in the NCAP that has not been reevaluated and amended, either with entirely new policies, or with modifications to existing policies. And although the County's update of the NCAP is not a formal Periodic Review of the County's LCP or the NCAP, the County does intend it to serve the same basic comprehensive reevaluation function, as clearly stated in the introductory statement for the NCAP submittal:

This amendment package is consistent with the Coastal Act goal of providing a process for the county and Commission to periodically review a segment of the LCP in an organized manner. *All parts of the LCP that may be directly or indirectly affected by the changes are included in this submittal [emphasis added].*<sup>1</sup>

More generally, the County's *Framework for Planning* states that the purpose of periodic planning updates is "to review new information or conditions that affect land use policy and to review the effectiveness of policies in implementing plan goals."<sup>2</sup>

As the County has suggested, a comprehensive evaluation of Local Coastal Programs,

particularly Land Use policies and designations, is critically important to the effective implementation of the California Coastal Act. Land use conditions are constantly changing, unanticipated circumstances inevitably arise, and knowledge about the effectiveness of various policies necessarily increases. In the case of the North Coast Area Plan, the last comprehensive evaluation of coastal resources and appropriate policies for the North Coast was in 1982, when the staff first evaluated the plan for conformance with the Coastal Act. In the fifteen years since this review, there have been significant changes in both circumstances and knowledge about coastal resource protection along the North Coast. These changes include:

- Increased population growth in the planning area, with significant new development and associated resource demands;
- New information concerning the limited capacities of the five major water supply creeks in the planning area;
- The listing of several endangered species, including steelhead trout and red-legged frog;
- The emergence of Pitch Canker Disease as a significant threat to the Monterey Pine Forest in and around Cambria;
- Emergence of significant new breeding colonies of elephant seals at Piedras Blancas in the early 1990s;
- Designation of the San Simeon fault as an active fault by the State Geologist in 1986;
- Designation of the Monterey Bay National Marine Sanctuary in 1992;
- Increases in the number of visitors to the North Coast, and a 110% increase in the number of visitor-serving accommodations.
- Better knowledge concerning the effectiveness of visual resource protection policies from the Commission's experience in Big Sur, just above the North Coast of San Luis Obispo;
- Significant flood events in Cambria;
- Discovery of new archeological sites;
- Significant changes in 5th amendment Takings jurisprudence;

These findings consider each of these changed circumstances, as well as others not listed here, in order to order conduct the most comprehensive review of the NCAP as is possible in the limited review period available.<sup>3</sup> More important, given the magnitude and scope of these changes, as well as the fact that 15 years have passed since the last comprehensive review of the North Coast planning area, these findings necessarily evaluate the basic policies incorporated into the plan, the appropriate land use designations in light of new information, as well as basic structural features of the NCAP. For example, the existing NCAP does not have a separate access component, as required by Coastal Act Section 30500. This policy gap is addressed in the Public Access findings. Similarly, these findings address a policy gap concerning the conversion of agricultural lands in the planning area. Where relevant, then, and consistent with the County's hope that the NCAP update is a comprehensive evaluation of the plan given changed circumstances, these findings make



recommendations to address policy oversights, new insights on effective implementation, and new programmatic efforts that might improve the protection of coastal resources, consistent with the Coastal Act.

Changed circumstances are also important to evaluate because of their integral connection to the effective implementation of the local coastal policies and programs. This is particularly true in the case of natural resource changes, where new information and scientific understanding is constantly evolving. Plans and policies put in place over fifteen years ago could not have anticipated the range and complexity of resource management problems that characterize the North Coast of today.

For example, as listed above, in the case of the North Coast, at least two new species (Red-legged frog and steelhead) have been identified as threatened under the Federal Endangered Species Act. This means that the protection of the riparian zones and creeks in the North Coast is even more vital to adequate protection of coastal habitats. When coupled with the new knowledge about the limited capacities of the creeks, it becomes even more important to revisit the applicable coastal policies, and update them to account for this new resource management condition.

The emergence of the Elephant seal colony at Piedras Blancas, and the spread of Pitch Canker disease among Monterey pine forest are similar resource changes that require new analyses and policies. These are examples where both science and resource conditions have evolved (without predictability) to the point that existing policies no longer anticipate, are inadequate to address, the new resource circumstances.

Other examples listed above, and their particular relevance to the NCAP include:

- Designation of the San Simeon Fault as an active fault by the State Geologist in 1986. The State Geologist determines if a fault is active and designates a “special studies” zone along active faults. Within the special studies zone, areas of proposed development are subject to more rigorous geologic investigation than areas outside of the zone. Structures intended for human occupancy may not be located closer than 50 feet from a fault trace within the special studies zone. Although the fault was known in 1982, the requirements of the special studies zone did not then apply. The designation of the fault as active and the establishment of the special studies zone may affect location of proposed Hearst resort development.
- Significant flood events in Cambria. Damaging flooding of the West Village of Cambria continues to occur, on average, once every four to five years. Increased development in the flood hazard area since 1982 has subjected more development to flooding. Additional proposed developments in the flood hazard area could exacerbate flooding.
- Discovery of new archaeological sites. Several large, and as yet not thoroughly investigated, archaeological sites were discovered in the San Simeon area in the early 1990's which could affect location of proposed Hearst resort development. Several additional sites on the East - West Ranch, discovered in 1994, could

affect development there.

Many other changed circumstances inform this staff recommendation. Detailed discussion of these changes, and why and how they are relevant to the policy recommendations developed herein, is provided in the various Findings of this report.

Overall, these findings address whether the amended North Coast Area Plan as submitted by the County is consistent with the resource protection policies of Chapter 3 of the Coastal Act. This is the standard of review for LCP amendments according to Section 30512.1 and 30514 of the Coastal Act; and Section 13540 of Title 14 of the California Code of Regulations. As discussed herein, although the County has made considerable improvements to the NCAP, there are also numerous policies, programs, land use designations and other miscellaneous changes that are inconsistent with Chapter 3 of the Coastal Act. These findings, therefore, also present suggested modifications that would bring the NCAP into conformance with the Coastal Act (see Appendix A).

Finally, the appendix to the North Coast Area Plan contains background information relevant to the policies, programs, and other contents of the North Coast Area Plan. According to the County, this appendix was “attached to the adopted document [the NCAPU] for information and reference purposes only [and] is not meant to be part of the formally adopted North Coast Area Plan.” The Commission also is not including the appendix as part of the formally adopted NCAP. Thus, the information, definitions, or other policy discussions found in the appendix do not in any way modify or take precedence over the findings and suggested modifications of the Staff recommendation herein.

## **Relationship of North Coast Area Plan to the San Luis Obispo County LCP**

### **Procedural History**

The North Coast Area Plan Update operates in conjunction with other elements in the San Luis Obispo County Local Coastal Program. The County’s LCP is composed of seven parts: the Coastal Zone Land Use Ordinance, which is the County’s coastal zoning ordinance and is the Implementation Plan portion of the LCP; the Framework for Planning, the Coastal Plan Policies, and four Area Plans, one of which is the North Coast Area Plan. The Framework, Coastal Plan Policies, and the four area plans make up the Land Use Plan (LUP).

The Land Use Plan (LUP) portion of the San Luis Obispo County LCP was submitted to the Commission for formal review and possible certification in late 1981. On February 16, 1982, the Commission held its first public hearing on the LUP. Staff recommended that the Commission find that the LUP raised a substantial issue as to conformity with the policies of Chapter 3 of the Coastal Act. The Commission did not act on the submittal but continued the hearing until April 21, 1982. On that date, the Commission found that the LUP, including portions of the North Coast Area Plan, raised substantial issue as to conformity with the policies of Chapter 3 of the Coastal Act.

On October 14, 1982, after negotiations between Commission and County staff, the Commission denied the LUP as submitted and approved it with modifications. On March 18, 1983, the County resubmitted the LUP. On July 13, 1983, the Commission approved the resubmitted LUP with modifications. Revised findings reflecting the Commission's action were approved by the Commission on October 14, 1983. Certification of the LUP was achieved on April 12, 1984.

The Coastal Zone Land Use Ordinance (CZLUO), the Implementation Plan portion of the LCP was approved by the Commission, as submitted, on October 7, 1986. Revised findings were approved by the Commission in January 1987. In late 1987, the County submitted Amendment 1-87, a comprehensive package of 301 changes to the entire LCP, which was approved with modifications on December 11, 1987. The County assumed permit-issuing authority on March 1, 1988.

## Operation of the LCP

As mentioned above, the San Luis Obispo County Local Coastal Program includes the *Framework for Planning*, the *Coastal Plan Policies* document; the four area plans (North Coast, Estero, San Luis Bay, and South County), the Coastal Zone Land Use Ordinance; and the County's official Combining Designation Maps are also important for LCP implementation. Each of these are briefly discussed below.

1. Framework for Planning: This document contains Table "O" which lists uses allowed in each land use category; land use category definitions, purposes, and goals; definitions of land uses; and general information about the structure of the LCP.
2. Coastal Plan Policies: This document contains policies on access, recreation, energy and industrial development, commercial fishing, environmentally sensitive habitats, agriculture, public works, coastal watersheds, visual and scenic resources, hazards, archeology, and air quality.
3. Area Plans: Each of these four documents is specific to a particular planning area, such as the North Coast. They contain background information, descriptions of land uses, programs (non-mandatory land use goals), standards (requirements for development proposals at specific sites or in specific land use categories), and land use maps (access, circulation, land use designations, and combining designations (e.g., geologic hazards, ESHA)).
4. Coastal Zone Land Use Ordinance (CZLUO): The CZLUO is the implementation portion of the LCP. It contains permit processing requirements and regulations, site design standards (e.g., minimum parcel sizes, setbacks, heights, landscaping), site development standards (grading, drainage, tree removal, shoreline structures), operational standards (noise, air quality, water quality), combining designation standards (requirements for development proposed, for example, in or near flood and geologic hazard areas and environmentally sensitive habitats), special uses (e.g., accessory uses, agricultural uses, recreation uses, temporary uses), nonconforming uses, enforcement, and definitions.
5. Official Combining Designation Maps. These maps show the official land use

designations and combining designations (for example, sensitive resource overlays), that determine the general application of the land use policies and combining designation standards.

To determine the requirements for development on a particular site, each of the components of the LCP must be consulted. Some policies are implemented through a specific CZLUO section referenced at the end of the policy. For example, Agriculture Policy 3 states that that policy shall be implemented pursuant to section 23.04.050. In these cases, the ordinance is controlling if there is a conflict with the overarching policy. Other policies, though, state that they shall be implemented as a standard, that is, equivalent to an area plan standard.

The North Coast Area Plan *standards* are the most specific of the LCP's regulations governing land use in the North Coast Area. They apply only in that geographic area. Some standards apply area-wide but most are specific to a particular land use category designation and some standards are specific to individual sites within a particular land use category designation. Because of this specificity, if an area plan standard conflicts with a policy or a CZLUO section, *the area plan standard prevails*. Most of the significant suggested modifications of this report concern specific standards for the North Coast.

In addition to area plan standards, an extremely important part of the North Coast Area Plan is the combining designation map. The combining designations are areas where, for example, environmentally sensitive habitats (ESHA), geological hazards, flood hazards, etc., have been identified and mapped. These designations indicate where special studies and/or development requirements apply, based on the particular combining designation. However, the combining designations often do not reflect on-the-ground resources, either because they were not mapped originally, or because the presence of a particular resource or hazard was not known at the time. As mentioned earlier, an important aspect of a comprehensive update such as this is the opportunity to bring part of the LCP, including the combining designation maps, up to date with existing resources and knowledge.

## Implementation: The One-Map System

In their land use planning, most local governments utilize a “two-map” system. One map (General Plan or Land Use Plan map) shows general land use designations which, by themselves, have no particular uses associated with them. They indicate intended long-term, general land uses. The other map (zoning ordinance map) shows specific zone districts which list specific uses that may be established in each zone district. Within each land use designation, only certain zone districts apply, although it is possible for a zone district to appear in more than one land use designation. A variety of land uses might be able to be established in each zone district. To know what uses might be allowed in a given land use designation, it is necessary to determine the zone district within which a parcel lies.

Under the “two-map” system, if the land use designation map is changed, the zone district

map must also be changed. Consider two hypothetical land use designations, say Industrial and Commercial. The zone districts which implement the Industrial designation might include Industrial, Commercial Service, and Manufacturing. The Commercial land use designation might be implemented by the Retail and Office zone districts. Suppose a parcel with an Industrial land use designation that is zoned Manufacturing is redesignated to Commercial. The Manufacturing zone district is not one which implements the Commercial land use designation. Therefore, the zone district of the parcel, in addition to the land use designation, would have to be changed; in this case from Manufacturing to Retail or Office, depending on the specifics of the site.

An alternative to the “two-map” system is the “single” or “one-map” system, which is what San Luis Obispo County uses. Under this system, there is only one map, the land use designation map. There is no zone district as such under this system. The land use designation map and the zone district map are essentially combined into one. Consider the same hypothetical land use designations as in the “two-map” system example above. In the “one-map” system there aren’t separate zone districts which implement the land use designations. Each land use designation lists the potentially allowable land uses. Suppose a parcel with an Industrial land use designation is redesignated to Commercial. Since there is no separate zone district or zone district map, there is nothing to change but the land use designation map. According to the Framework for Planning,

The LUE [Land Use Element] establishes where land uses may be located. The ordinances regulate site design and development. . . .In general, the LUE allows a wider range of land uses than zoning that attempts to maintain harmonious land uses by rigidly segregating uses in separate districts. The performance standards of the Coastal Zone Land Use Ordinance ensures compatibility of adjacent uses.

Thus, proposed changes to land use designations in the North Coast Area Plan do not have any corresponding zone district map changes.

## **Local Coastal Program Amendment Summary**

Since the certification of the Land Use Plan in 1983, there have been 26 amendments to the Local Coastal Program. The Comprehensive North Coast Area Plan Update amendment is the 27th amendment. The North Coast Area Plan itself has been amended seven times. Besides those seven amendments, another 10 amendments have affected the North Coast Planning Area because they applied throughout the coastal zone.

Following is a chronological summary of the major amendments that applied to the North Coast Planning Area, either as amendments specifically to the North Coast Area Plan or because they amended other parts of the LCP that applied throughout the coastal zone. Major amendments are those that change the kind, location, intensity or density of use allowed in the coastal zone. For the two amendments summarized in tables, specific references to the relevant North Coast Area Plan amendments are shown in column one.

### ***Amendment 1-84***

## Description of Amendment

The County submitted 35 amendments to the Land Use Plan (LUP) just before the Commission's final action on the LUP in July 1983. Due to the late submittal of the amendments, they were not included in or considered as part of the LUP. Subsequent to submittal of the first amendment package, the County made two additional submittals for a total of 42 amendments. Two of the amendments were withdrawn by the County and the Executive Director determined that 14 of the amendments were minor, leaving 26 major amendments. Of those 26 major amendments, only seven applied to the North Coast Planning Area and had or could have had significant effects. The following table summarizes the major components of Amendment 1-84.

### Amendment 1-84

Amend. Number	County Submittal	Commission Action
1(15b).	Include reference to the Hearst Ranch Environmental Data Base prepared by Envicom in 1977, in the Area Plan's standards.	Modification : Deleted reference.
2(16).	Change the bluff setback in the rural Recreation land use category from 50 feet to 100 feet, with possible reduction to 25 feet if found to be sufficient with a geology report.	Modification: Allow reduction to 50 feet with geology report support
3(17).	Change land use designation from AG to REC on State Parks property at San Simeon State Park; include rv parks as an allowable use in the Park, on Van Gordon Creek Road, just east of Highway One just south of the Monterey County line, and at the Pine Forest site on the Hearst Ranch just north of Pico Creek.	Modification: Required recreational vehicle parks to be located only east of Highway One, but, through specific Development Standards only allow expansion of existing recreational vehicle sites at San Simeon State Park, and new site on Van Gordon Creek Road.
4(18).	Modify San Simeon Acres Combining Designation standard regarding shoreline access, delete recreational vehicle parks as an allowable use, modify height standards, and clarify the density for multi-family projects.	Modification: Require lateral access dedications from the toe of bluff to the mean high tide line; allow rv parks to be located only east of Avonne Ave. and east of Highway One; limit height to 25 feet as measured from existing natural grade; and limit grading on bluff top parcels to that necessary for building foundation.
5(19).	Change land use designation from Residential Multi-family to Commercial Retail on three APNs comprising 11 acres (Cambria Village Square site) while allowing multi-family residential uses, clarify master development plan permit requirements and height limits.	Modification: Limit density to 15 units per acre, with area for residential use to be calculated using only portions of the site on slopes of 20% or less; required detailed, early 20th century architectural design, mitigate traffic impacts, restrict vehicular access; limit heights to 22 feet above average finished grade.
6(21).	Change land use designation at the Cambria Pines Lodge from RMF to REC to allow major expansion of the Lodge.	Modification: Delete residential uses, add that site is a visitor-serving priority area.
7(26)	Add Hazards Policies to Policy document	Modification: Prohibit all permanent structures on the beach except for necessary public health and

Amend. Number	County Submittal	Commission Action
		safety facilities; require review of development in hazard areas to be conducted by a qualified engineering geologist; prohibit residential, commercial, and industrial development in the mapped Flood Hazard area except within the urban boundary; make existing public roads to public beaches and recreation areas eligible for shoreline protective structures, if no other feasible routes are available; require shoreline protective structures to not have adverse impacts on fish and wildlife and to be allowed only when non-structural means have been found infeasible or impracticable; site shoreline protective structures to minimize visual impacts, erosion, encroachment on beaches, and to provide public overlooks where feasible; dedicate area seaward of protective structures for lateral public access; require a site stability report by certified engineering geologist indicating bluff setback is adequate to allow for erosion for 75 years; add high fire risk hazard policy.

### ***Amendment 2-84***

Originally heard by the Commission on February 13, 1985, amendment 2-84 consisted of 14 amendments, six of which were determined to be minor. Of the remaining major amendments, five pertained to the North Coast Planning Area. Amendment 2-84 was approved, partly as submitted and partly with suggested modifications, excepting the amendment pertaining to the Hearst Agricultural/Open Space Easement. That amendment was approved with suggested modifications on November 20, 1985. The County accepted the Commission's February 13, 1985, action, including the suggested modifications, on September 24, 1985, more than six months after Commission action. Since the County was required to act in no more than six months, the amendment had to be resubmitted. The resubmittal contained the suggested modifications and was approved as submitted by the Commission on December 19, 1985. (See Agriculture findings for details)

The 2-84 major amendments modified the Framework for Planning (Framework), the North Coast Area Plan and the Coastal Policy document. The Framework and the Policy document apply throughout the coastal zone, including the North Coast Planning Area.

Amendment 2-84

Amend. Number	County Submittal	Commission action
1(3).	<p>Add mining as an allowable use on non-prime agriculture lands.</p> <p>Add bed and breakfasts (b&amp;b) as an allowable use in land use categories where hotels and motels are allowed.</p>	<p>Modification : None to NCAP. Policy document modified to indicate mining is a non-principally permitted use on agricultural lands</p> <p>Modified NCAP to clarify b&amp;b is an allowable use in the Commercial Retail category but is a principally permitted use in Recreation.</p>
2(4)	<p>Allow development on slopes greater than 20 percent; no maximum slope for grading; within the Urban Services Line, allow grading to be closer than 100 feet from an environmentally sensitive habitat, with no minimum distance.</p>	<p>Modifications: limited grading to slopes less than 20 percent except on existing lots where a residence could not be feasibly site otherwise; and where necessary to provide access to a development site of less than 20 percent; set maximum slope of 30 percent for grading, required new subdivisions to locate building envelopes and roads on slopes less than 20 percent; and allowed grading within the USLine to be as close as 50 feet to an ESHA if the standard 100 foot setback would render a parcel unusable for a principally permitted use.</p>
3(6)	<p>Move Urban Services Line to encompass a parcel next to developed parcels within the line. A church was proposed on the site, which would require much less water than a residential use, and the site was located adjacent to Highway One which physically separated the site and the developed parcels from agricultural land</p>	<p>Approval as submitted</p>
4(7)	<p>Reduce three year pre-construction monitoring requirement for Hearst Resorts prior to diversion of water from Arroyo de la Cruz to one year and eliminate required biological analysis.</p> <p>Eliminate Hearst's responsibility to construct public coastal access improvements at time of construction of resort development and instead require only offers-to-dedicate or deed restrictions.</p>	<p>Reduce monitoring to one year, require additional rainfall and runoff data to be considered, require biological analysis of Arroyo de la Cruz habitat, allow biological analysis to be conducted concurrently with permitting and construction of first phase of Hearst resort development.</p> <p>Required Arroyo de la Cruz access to be improved by Hearst within 6 months of public agency/private association acceptance or assumption of liability and maintenance; San Simeon Point access improvements to be provided by Hearst at time of issuance of coastal development permit but not opened until liability assumed by public agency/private association; San Carpoforo access improvements to be provided by Hearst with issuance of coastal development permit for resort development on San Simeon Point and opened to public within 6 months of acceptance of maintenance and</p>



Amend. Number	County Submittal	Commission action
	<p>Add construction of a 50 site campground as an alternative to the required 100 bed hostel, defer construction of either for five years, and Hearst to retain control and operation of the facility</p> <p>Eliminate need to study two alternative sites to the Pine forest Resort..</p> <p>Eliminate the requirement for dedication of an agricultural/open space easement on all Hearst Ranch property outside of the resort developments.</p>	<p>liability by a public agency/private association</p> <p>Allowed either 50 site campground under control and operation of Hearst, or 100 bed hostel operated and controlled by a non-profit organization or State Parks, deferred construction for only four years.</p> <p>Allowed for study of alternative sites if Pine Forest site did not receive County approval, required relocation of equestrian center out of forest.</p> <p>Deferred action.</p>

**Amendment 1-85**

This amendment contained only one revision affecting the North Coast Planning Area. The amendment changed the land use designation on the old Cambria Air Force Station from Public Facility to Recreation and retained the specific limitations on use of the site. The amendment was approved as submitted.

**Amendment 1-86**

Three of the six amendments in this submittal pertained to the North Coast Planning Area. Only one is of significance. Amendment 5 proposed to change permitted uses and development standards on the former Fiscalini Ranch in Cambria. The amendment proposed to delete the requirement that a Master Development Plan be prepared for the entire Fiscalini Ranch as a prerequisite for development on a portion of the ranch east of Highway One, including the Mid-State Bank site, which is physically separated from the rest of the ranch by Santa Rosa Creek; and proposed to add additional uses, such as churches and business schools, clearly not in keeping with the Recreation land use category, on a portion of the ranch east of Highway One, including the Mid-State Bank site.

The modifications required a separate Development Plan prior to any permanent development on the Mid-State Bank site; added development standards requiring development to be sited to preserve the open views from Highway One across the meadows to Santa Rosa Creek; substituted Open Space uses as the residual principally permitted uses for Cultural, Education and Recreation uses in the Recreation land use category; and clarified that financial services expressly designed to serve visitor needs would be a non-principally permitted use.

**Amendment 1-87**

Heard by the Commission just a few months before the County assumed coastal development permit issuing authority, Amendment 1-87 was characterized by the County as a “clean-up” package. Since the amendments were to the CZLUO, which applies

## Description of Amendment

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throughout the coastal zone, the amendments could have affected the North Coast Planning Area. Seven separate amendments were included in the submittal, all of them affecting the CZLUO. The amendments proposed to:

- clarify requirements for coastal development permits (approved with modifications);
- identify which coastal development permit applications would be processed and administered by the County and which by the Coastal Commission to help ensure a smooth transition of permit issuing authority (approved with modifications);
- consolidate public hearing procedures from throughout the CZLUO (approved with modifications); authorize locally-issued emergency permits (approved with modifications);
- add wells, tunnels, and some public utility installations to the projects exempted from grading permit, but not coastal development permit, requirements (approved as submitted);
- revise construction standards for development in flood hazard areas, including allowing residential development and other regularly-occupied structures in the flood hazard area within Urban Reserve Lines (approved as submitted);
- modify location of dish antennas, delete requirement to screen dish antennas from public view, and drop the 75 foot maximum height standard for all antennas, replacing it with review standards for antennas more than 10 feet above the highest building on the site.

This last amendment, unlike the other six, was modified specifically for development in the North Coast Planning Area. The modification required that “North of Pico Creek, dish antennas and broadcast towers shall be located so that they will not be seen from State Highway Route 1.”

### ***Amendment 1-88***

The proposed amendment added a new County-wide procedural requirement and a new substantive development review standard to the Policy document which provided that no “permit, entitlement, lease or other authorization” for specified activities involving onshore support facilities for offshore oil and gas activities shall be final unless approved by the County’s voters in an election. The issuance of a coastal development permit would be subject to this procedure. This amendment was a result of a voter initiative that was approved by the voters in a general election on November 4, 1986. The amendment was modified to require voter approval only when a change in a land use designation in the LCP is necessary to permit onshore support facilities. Such approval would be required before the County submitted the change as an LCP amendment to the Coastal Commission.

### ***Amendment 2-88***

The agricultural easement placed over portions of the Hearst Ranch by the Commission in 1983, was the subject of this amendment. The Commission, in certifying the North Coast

Area Plan in 1983, approved conceptual plans for the location and size of the Hearst Resorts on agricultural land and required that the rest of the agricultural lands of the ranch be protected from further non-agricultural development by means of an agricultural easement. Amendment 2-88 deleted the requirement for an agricultural easement. (Please see the Agriculture findings for more detailed information.)

***Amendment 1-89***

Amendment 1-89 amended the Cambria Urban Area Standards of the North Coast Plan to allow “Participant Sports and Active Recreation” in the Recreation land use category. Those uses had been inadvertently excluded from the allowable uses in the Recreation category in Cambria. Without such an addition, activities such as tennis courts, swimming pools, golf courses, and public parks would not be allowed in the Recreation category in Cambria. Also proposed was adding “Participant Sports and Active Recreation” as a use in the Commercial Retail land use category. Amendment 1-89 was approved as submitted.

***Amendment 1-91***

The Coastal Zone Land Use Ordinance (CZLUO) and Table O in the Framework for Planning were amended to allow golf driving ranges in the Commercial Retail land use category anywhere that that the category exists in the coastal zone, including Cambria and San Simeon Acres. (There were no substantive effects to the North Coast Planning Area.)

***Amendment 2-91***

Amendment 2-91 addressed permit processing for new oil and gas development in the Industrial land use category, which does not exist in the North Coast Planning Area; consistency among the Framework, the parks Master Plan, and the Quimby Ordinance regarding funding, standards, and policies for local and regional parks county-wide; and adoption of fire safe standards incorporating State fire safe requirements into the LCP. None of these affected the North Coast Planning Area in substantive ways.

***Amendment 2-92***

(There was no amendment designated 1-92. Due to confusing information about the status of the previous amendment (2-91), received in late 1991, the number 1-92 was reserved. Amendment 2-92 was the County’s first amendment for 1992.)

Two amendments, both of which were approved as submitted, applied in the North Coast Planning Area. One amendment was to revise the noise standards in the CZLUO. That included identification of the maximum allowable noise levels that could impact some noise-sensitive uses that could be considered coastal zone priority uses, such as outdoor recreation, hotels and motels, and bed and breakfasts. The noise standard revision amendment was approved as submitted and has had no detectable adverse effects on the Planning Area. The other amendment proposed to amend the CZLUO and the Framework to make it easier to accommodate agricultural workers in mobilehome units, and enable the County Environmental Coordinator’s Office to determine that grading is statutorily or categorically exempt from CEQA provisions, if the grading meets the necessary CEQA requirements for such a determination; there would be no change in the necessity for a

coastal development permit wherever such permit is required by the LCP. There have been no known adverse effects from this amendment.

### ***Amendment 3-92***

All four of this submittal's amendments applied in the North Coast Planning Area:

- The County proposed to modify the land use designation maps to allow expansion of the Cambria Cemetery by redesignating about 5.5 acres of Rural Lands to Public Facility. The expansion area is in the Monterey pine forest environmentally sensitive habitat. This amendment was approved with a modification to the proposed forest management plan specifying when replanting would occur; the minimum percentage of land area that must be under pines, oaks, or native shrubs; and replacement of non-native species with native species.
- Language was proposed to be added to the CZLUO to automatically incorporate by reference any revisions of the FEMA 100-year frequency flood area boundary maps. The additional language was approved as submitted.
- To meet State affordable housing requirements, the County proposed to amend the CZLUO to provide housing density bonuses in the Residential Single and Multi-Family designations if affordable housing was proposed and to require affordable housing in certain cases. The amendment was approved as submitted because bonuses would be available only in the two urban residential designations, where services were available and because the CZLUO provided that any density bonus would not be allowed to adversely affect the environmentally characteristics of an area.
- The final amendment proposed to delegate authority to hear land division applications from the Board of Supervisors to the Planning Commission and the Subdivision Review Board, with right of appeal to the Board of Supervisors. Necessity for coastal development permits was not changed nor was noticing or appeal to the Coastal Commission. The amendment was approved as submitted.

### ***Amendment 1-93***

This amendment to update and improve the clarity of the Framework for Planning included:

- refinements to the Resource Management System (RMS), which provides guidance on pacing the amount of development to availability of services by tracking those services, such as water supply, and assigning them one of three levels of severity to alert decision makers of impending problems with services. The highest level essentially means that development equals or has gone beyond the service capacity.
- detailed steps for updating the LCP, overhaul of processing requirements for LCP amendments.
- expansion of land uses to many land use categories. The amendment was approved with modifications requiring the RMS to address the need to reserve

capacity for priority uses and deletion of proposed additional uses potentially incompatible with the Open Space land use category.

The amendment also included changes to the CZLUO to maintain consistency with the Framework, improve regulation of energy facilities, and add standards for bed and breakfast facilities. The CZLUO amendment was approved with a modification requiring that greater than 50 megawatt thermal electric power plants shall not be sited in those areas designated by the Coastal Commission as areas where such development would prevent achievement of the objectives of the Coastal Act.

### ***Amendment 3-93***

The final amendment of 1993 amended the CZLUO and the Framework. The standards on roadside stands in the CZLUO were amended in several ways, including requiring that all agricultural products for sale be grown on the site, adjacent contiguous parcels or other agricultural parcels in the County owned or leased by the owner of the site where the stand is located, and adding the Recreation category to those categories where roadside stands may be approved. The Framework amendment was initiated by the County to revise the procedures for updating Area Plans and for processing amendment requests from individual landowners. The only substantive change to the Framework was the addition of a visual resources criterion to the list of potential mitigations for land divisions. Amendment 3-93 was approved as submitted.

### ***Amendment 1-95***

One amendment to the Framework and two to the CZLUO were contained in Amendment 1-95. The Framework amendment deleted some of the uses allowed as Organizational Houses and moved them to Churches and deleted Organizational House as an allowable use in the Rural Lands, Residential Rural, and Residential Suburban land use categories. The Framework amendment was approved as submitted. The CZLUO was amended to maintain consistency with the Framework changes; and to modify day care standards to allow two additional children without increased zoning or fire regulations, reduce the level of permit review from public hearing to administrative review, with public notice required so that an interested party could request a hearing; and clarify that day care as a secondary use would be approved with the permit for the primary use. The CZLUO amendments were approved as submitted.

### ***Amendment 2-95***

Amendments to 161 sections of the CZLUO were proposed in Amendment 2-95. The proposed changes ranged from minor typographical and cross reference corrections to additions of new language dealing with reclamation of mining areas mandated by the Surface Mining and Reclamation Act. The amendment was approved as submitted.

### ***Amendment 1-96***

Amendments to both the Framework and the CZLUO were included with Amendment 1-96, and were approved as submitted. The Framework was modified by broadening the Resource Management System (RMS) level III action requirement. In particular, the amendment removed the requirement that a development moratoria be imposed if the

## Description of Amendment

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Board of Supervisors found the highest level of resource constraint had been reached in any give resource category. The amendment also added eating and drinking establishments and bed and breakfast facilities as non-principally permitted uses on non-prime agricultural land, adding homestays (dwellings occupied full-time by permanent residents in which no more than two bedrooms without cooking facilities are rented for overnight lodging) as a new non-principally permitted use in the Residential Single Family and Residential Suburban land use categories, including greenhouses engaged in agricultural research in the definition of agricultural accessory structure, and including commercial composting in the definition of agricultural processing. The CZLUO was modified by adding standards for eating and drinking establishments, bed and breakfast facilities, homestays, agricultural research greenhouses, and commercial composting; and by updating the list of areas in which secondary dwellings are not allowed. Tract 159, along the bluffs extending south from Park Hill in Cambria, is one of those areas where secondary dwellings are not allowed. Tract 159 was on the list and remains on the list.

This amendment has been in effect for less than two years; it is unknown if it has had any effect on the North Coast Planning Area.

# Development and Public Services

## Coastal Act Policies

Chapter Three of the California Coastal Act establishes clear parameters for the location, intensity, type, and design of new development in the coastal zone. First and foremost, Section 30250(a) requires that new development be concentrated in and around existing developed areas with adequate development capacities. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or cumulatively, on coastal resources. Generally, public works such as water, roads and sewer systems, must be sized to serve planned development. Highway 1, though, must remain a two lane scenic road in rural areas under section 30254. Significant resources that must be protected from new development include environmentally sensitive habitat, the marine environment, agricultural land uses, scenic and recreational resources, public access to and along the shoreline, and archeological resources. New development must also be located and designed to minimize risks from flooding, fire, and geologic risks (see other Hazards Findings for more detail).

There are only limited exceptions to the general development requirements of the Coastal Act. Hazardous industrial development may be located away from developed areas (Section 30250(b)); and coastal-dependent industry may be permitted outside developed areas if other locations are infeasible or environmentally damaging, and the effects of such development are mitigated (Section 30260). Under Section 30250(c), visitor-serving facilities may also be located outside of urbanized areas, but only if urban locations are infeasible for such development. Visitor-serving facilities must also be located in existing isolated development nodes or at select points of attraction for visitors. Overall, these requirements reflect a fundamental goal of the Coastal Act: to protect coastal resources by limiting new development to existing developed areas.

Finally, the Coastal Act establishes a set of priority uses that operate within the locational and resource constraints for new coastal development. For example, if public services are adequate to support only a limited amount of urban growth, land use potential must be first allocated to coastal dependent uses, essential public services and vital industry, public and commercial recreation, and visitor serving development (Section 30254). The Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of agriculture or coastal-dependent industry (Section 30222).

Beyond the new development policies found in Chapter Three of the Coastal Act, Chapter Five of the Coastal Act also defines the relationship between the Coastal Commission and other state agencies, in order to avoid duplication of efforts and conflicts (Section 30400). These policies are particularly relevant to the review of planning provisions for public works facilities (water supply, sewage treatment, etc.) Section 30401 states that the

chapter should not be interpreted to limit the Commission's ability to regulate new development so long as it does not set standards that duplicate those already established by another state agency. For example, the Commission may not set standards for the quality of drinking water because these are more properly set by the State Water Quality Control Board. Likewise, the Commission may not allocate water rights as this is within the purview of the State Water Resources Control Board. The Commission, however, may limit development, because of limited water supplies, if necessary to comply with Chapter 3 Coastal Act policies, thus reducing the ability of any holder of a water allocation permit to fully exercise it.<sup>4</sup>

Finally, Section 30412 specifically discusses the relationship between the Commission and the State Water Quality Control Board and the Regional Water Quality Control Boards. It also limits the Commission's jurisdiction over the construction of wastewater treatment plants to siting, sizing, service area and appearance of these facilities.

## Overview of Existing and Planned Development for the North Coast

The North Coast Area covered by this segment of the San Luis Obispo County LCP is large (+100,943 acres), isolated from population centers and overwhelmingly rural in character, with only 2% of the land area committed to urban uses (Cambria is 1,935 acres, San Simeon Acres, 80 acres). The small town of Cambria (population 5,623) and the much smaller village of San Simeon Acres are the only urbanized portions of the planning area. Highway One, a two lane road for most of its alignment, is the only north-south route linking the North Coast to the urban centers of the Monterey Peninsula some 70 miles north, and Morro Bay to the south. Highway 46 provides the only link to the inland population centers of the County. Because of its isolation, the North Coast must depend on its own resources for such services as sewage disposal and water.

### The Rural North Coast

Most of the land in the rural portion of the planning area is designated for agricultural use (+96,410 acres, including most of the 48,000 acres of that part of the Hearst Ranch in the Coastal Zone). Much of land designated for agriculture is used for cattle grazing. Other agricultural activities include orchards, row crops and dry farming (see Agriculture findings for detail). Although the certified LCP permits numerous non-agricultural uses on land zoned for agriculture, there has been little development approved since certification in 1983. Due to the many permitted and existing uses, as well as the uncertainty as to how many legal parcels actual exist in the rural lands, it is virtually impossible to quantify build-out of the rural area, although the County estimates a potential build-out equivalent to 1400 single family dwellings. Certified zoning limits minimum parcel sizes to a range between 20 and 320 acres, depending on the agricultural use of any given holding (see Agricultural Findings).

The other primary rural land use designation is "Rural Lands". This designation makes up



only a small portion of the rural area (about 1%) and is basically a 1200 acre, large parcel low density residential zone north of Cambria. Finally, another 1,100 acres is designated recreation and commercial retail. The County estimates that 300 residential units could be accommodated on these sites (pg. 2-12).

The only intensive development proposed for the rural portion of the North Coast is the construction of three resorts and a golf course on the Hearst Ranch. Cumulatively, these resorts would add 650 market rate hotel units, a 100 bed youth hostel or 50 space campground, a variety of accessory uses and an unknown number of housing units for employees to the rural area in the vicinity of San Simeon Point, the Staging Area for Hearst Castle and near San Simeon Acres.

## Urban Areas of North Coast

The urban portion of the North Coast is small, only +2% of the planning area. Land use in Cambria is mostly single family residential development. Other commercial uses provide goods and services to the population of the planning area as well as to the many tourists who visit the North Coast. Of note is the changing pattern of residential development and use. Until recently, homes constructed in Cambria were generally small and many were occupied for only part of the year as “vacation homes”. This pattern has been replaced by a trend towards larger homes which are occupied year round. Demographics affecting household size have also changed over the last fifteen years. There are now proportionately more “family” households and fewer single or two person households than in the past, when the Cambria population contained a higher percentage of retired people. The impacts of this new pattern is relevant to the allocation of scarce urban services -- particularly water. New development since certification has progressed steadily, limited only by the County’s growth management plan and scarce water hook-ups.

The principal problem facing Cambria is the dramatic disparity between the ability to provide urban services and the number of vacant, legal lots within the urban boundary. Services, particularly roads and water, are already greatly stretched and yet Cambria is only 20% build-out. The proposed amendments to the North Coast plan acknowledges this problem but other than proposing a small reduction in residential density offer no meaningful solutions.

San Simeon Acres, a few miles north of Cambria was developed to provide support services for visitors to near-by Hearst Castle. As such, it is designated for visitor services including overnight accommodations and multi-family residential uses generally geared towards employees of the Castle and visitor-serving facilities. Similar to Cambria, the amount of development permitted by the plan is poorly matched with the infrastructure needed to support build-out. The plan update exacerbates this problem because it provides for additional residential density by allowing multi-family housing on portions of parcels designated for commercial and visitor serving uses. Permitted density is 26 units per acre and could potentially increase residential build-out by 500 units (pg. 7-117-18).

## Issues and Analysis

### 1. Location, Type and Intensity of Hearst Resort Development

With 48,000 acres of its total holding in the coastal zone, the Hearst Ranch makes up about half of the North Coast planning area. The entire ranch includes some 13 miles of shoreline and extends beyond the planning area into the upper reaches of the Santa Lucia Mountains. The Hearst Ranch is lightly developed with 23 miscellaneous dwelling units, including residences for ranch workers and the Hearst family and guests, as well as typical farm buildings and a road network to serve ranch activities.<sup>5</sup> The primary land use is cattle grazing with some acreage in row crops. The Ranch has been used for cattle grazing since 1865 and its rural agricultural character has remained essentially unchanged for over 130 years.<sup>6</sup>

As discussed in more detail in the Agriculture findings, non-agricultural development has been an issue on the Ranch since at least the 1960s. The first proposal for development in fact was for some 20,000 homes at Piedras Blancas. In the 1970s, though, the County of San Luis Obispo reevaluated the plan for the Hearst Ranch. In conjunction with the passage of the Coastal Act, a new planning process began which eventually took the form of the Hearst Resort Plan in the certified LCP.

The presently certified North Coast Plan provides for intensive resort development in four areas of the ranch:

- Eighteen acres adjacent to State Parks Staging Area for Hearst Castle is designated “Commercial Recreation” and could be developed with a 150 unit hotel, restaurant, shops and two caretaker units.
- Seventeen acres in the small village of Old San Simeon is designated “Commercial Recreation.” Commercial stores, restaurants and a 100 bed hostel (or a 50 site campground) are permitted at this location.
- One hundred and seventy-three acres adjacent to Old San Simeon are designated “Recreation”. A golf course, 250 unit hotel and accessory uses are permitted.
- Finally, fifty acres one half mile north of San Simeon Acres is also in the “Recreation” category. Development on this site includes a 250 unit hotel/lodge and outdoor recreation near the Pine Forest.

The remainder of the ranch is in the agriculture land use category. As discussed in greater detail in the finding on agriculture, a wide variety of agricultural and non-agricultural uses are permitted in this designation.

The County's comprehensive update process for the North Coast Area Plan examined a wide variety of resource planning issues for the Hearst Ranch, including the appropriate location and density of future resort development. In December of 1996, the Board of Supervisors limited the ultimate buildout of the resort to 500 units. The Board also moved

the proposed development off of San Simeon Point, limited the number of units on the west side of Highway One to 150; and deleted the 250 units envisioned for the Pine Forest. In addition, the Board revised the planning standards for development timing, circulation improvements, traffic capacity, water and wastewater capacities, drainage and nonpoint runoff control, biological assessment, employee housing, public access, design standards, habitat protection, etc.

In June of 1997, the Board of Supervisors again addressed the Hearst Resort proposed development, which resulted in the current plan before the Commission as a comprehensive LCP Amendment. Generally, the proposed updated North Coast Plan provides for all of the development in the certified plan, and adds a cultural center and 50 unit hotel at Old San Simeon and an equestrian facility at the Pine Forest and the Staging Area for a total of 700 lodging units and a variety of accessory and other commercial uses. The amount of development allocated to each geographic area reflect maximums for each location and the total hotel/resort rooms must not exceed 650 units. An unspecified amount of housing for employees is also permitted (7-17) and is not included in the maximum unit count for hotel units (4-12). Employee housing has been added as a permitted use and may now be located on the hotel/golf course site (7-25), in Old San Simeon Village (7-24) at the Staging Area (7-20) and at the Pine Forest Resort (7-32).

The proposed update also redesignates approximately seventy acres of land presently designated "Agriculture" to resort use. The Staging Area site is expanded from 18 acres to 28 acres and approximately 60 acres are being added at the Golf Course/Hotel site. In conjunction with the anticipated development in Old San Simeon Village, a total of 265 acres will be developed in the vicinity of San Simeon Point. In addition to this presently proposed expansion, the updated plan encourages the Hearst Corporation to apply for a future amendment for an additional 300 acres of agricultural land to be converted for expanded golf course use (4-11).

### **Conformance with Coastal Act**

As discussed above, the Coastal Act sets a demanding standard for the location, intensity, type, and design of new development in the coastal zone. Development must be located in and around urban areas or, if such locations are not available, where adequate public services exist. Development outside of existing urban areas also must not have any significant impacts, either individually or cumulatively, on coastal resources.

The rural North Coast is precisely the type of coastal area envisioned for protection by the development policies of the Coastal Act. The northern end of the County's planning area rivals Big Sur in its relatively untouched beauty. To be sure, one of the great advantages of the very large Hearst Ranch holding, committed as it has been to the stewardship of agricultural resources, has been the protection of a magnificent rural landscape for over 130 years. Outside of Cambria and San Simeon Acres, there is little development in the coastal zone of the North Coast.

As will be discussed in detail in these findings, the Coastal Act does not allow for the location and intensity of development currently proposed for the Hearst Ranch. Section 30250 clearly demands that new development be directed into the urban areas of Cambria

and San Simeon Acres.<sup>7</sup> In addition, as discussed in the Visual Resource findings, the protection of viewsheds under section 30251 limits development in areas visible from Highway One, such as the Staging Area and the proposed Pine Forest location. As detailed in the Agricultural findings, new development at the Pine Forest, the Staging Area, and on most of the land surrounding the immediate site of Old San Simeon is inconsistent with section 30242, because these areas are currently viable as agricultural grazing land. And when the other various resource constraints protected by the Coastal Act are considered, particularly the availability of water, the need to protect environmentally sensitive habitat, and the capacity of Highway One, it becomes more difficult still to contemplate intensive, relatively unconsolidated resort development on the rural North Coast. More detail on all of these problematic aspects of the proposed Hearst Resort development is presented in later findings.

Nonetheless, as mentioned earlier, the Coastal Act does make a limited exception for visitor-serving development such as that proposed by the Hearst Corporation. Under section 30250(c) such development may be located in "existing isolated developments or at selected points of attraction for visitors" if it cannot be feasibly located in existing developed areas. As discussed in more detail in the Recreation findings, the California State Parks Hearst Castle Facility has been a major visitor attraction since that late 1950s. In addition, while Old Simeon is certainly not a bustling commercial center, there is some commercial development activity there, and Old San Simeon has existed as an "isolated" albeit tiny development since the late 19<sup>th</sup> century. It was platted earlier this century, at a time when it was being more intensively used, first as a whaling port; and then as a staging area for the construction of Hearst Castle. In short, there is at least some Coastal Act basis for locating new visitor-serving development either in the vicinity of the State Parks facility, or within Old San Simeon.

To do so, however, requires a finding that locating such development in existing urban areas is not feasible. As discussed in the Recreation findings, there is considerable undeveloped land in both San Simeon Acres and Cambria that could conceivably accommodate much of the type of development anticipated at the Hearst Resorts, particularly the hotel and motel units that would serve middle and lower income visitors. There are not, however any large parcels in either Cambria or San Simeon Acres that could support the resort recreational opportunity proposed for the Hearst Ranch near San Simeon Point. This type of more comprehensive visitor serving attraction is not currently available on the North Coast or, for that matter, on any part of the San Luis Obispo County coastline.<sup>8</sup> The Hearst Ranch site is also the closest to the primary visitor destination in this area -- Hearst Castle. New visitor-serving development for this point of attraction is best located near the attraction itself. Finally, new visitor-serving development in Old San Simeon would have the potential to significantly augment visitors' enjoyment and understanding of this section of the coast by virtue of its historic values and coastal resources, consistent with the Coastal Act's goal to protect and enhance visitor-serving development. (see Recreation Findings).

However, as discussed at length in the Agriculture Findings, allowing significant visitor-serving development at Old San Simeon would require the conversion of significant amounts of viable grazing lands, inconsistent with Coastal Act Section 30242. Therefore,

the only appropriate potential development envelope for Hearst Resorts, with one limited exception discussed below, is *within* the developed node of Old San Simeon -- approximately 17 acres of land currently designated commercial retail.<sup>9</sup> Within this node, the maximum number of hotel/motel units allowable is approximately 100, given the limited acreage, the need to protect the viewshed, and the need to maintain the historic character, including existing structures such as Sebastian's store and the historic warehouses, of Old San Simeon. Such a density (approximately 6 units/acre) is consistent with other low intensity visitor-serving developments approved by the Commission in sensitive resource areas, such as the Marina Dunes Resort; as well as in Big Sur, where there are no visitor-serving facilities over 60 units outside of urbanized areas.

The exception to Section 30242 that would allow new visitor-serving development to move beyond the Old San Simeon envelope is discussed in detail in the Agriculture findings. To summarize this discussion, the conversion of agricultural lands may be found consistent with the Coastal Act if the visitor-serving development *concentrates* development that might otherwise impact agricultural lands. Based on the analysis of the Agriculture findings under this policy, a total of 275 visitor-serving units, which approximates the development potential of Hearst Ranch beyond Old San Simeon, are appropriate to site in and around Old San Simeon, but only if non-agricultural uses are prohibited on the remainder of the Ranch; and a 1000 foot agricultural easement surrounding the allowable development is put in place. Coupled with the 100 units allowable at Old San Simeon, the total allowable intensity at Old San Simeon, then, is 375 units. As will be shown, this number is an absolute maximum, based as it is on conservative assumptions (biased in favor of development) about future development potential on the Hearst Ranch.

As detailed in the Recreation findings, this more limited intensity of resort development is also consistent with Coastal Act section 30221, which requires that recreational demand be examined prior to allocating agricultural land to new visitor-serving development. Thus, at least some of the proposed Hearst Resort units should be discounted as more appropriately located in Cambria or San Simeon Acres. Moreover, the intensity of new visitor-serving at Old San Simeon should also be constrained by the lack of services, as detailed in Issues 3 and 4 below. Section 30250(c) does not exempt rural visitor development from the other applicable requirements of the policy, namely, the concentration of development and the need to provide adequate services to support new development. Visitor-serving development is a preferred use when public services are limited; but in this case the availability of even basic water and sewer services is a question that must be addressed prior to any development outside of existing urban areas. Indeed, since the Commission last took a comprehensive look at the North Coast LCP (when the LUP was certified in 1983), the lack of reliable water resources for new development that would not infringe on agricultural and sensitive habitat uses, has become increasingly apparent.

Nor does visitor-serving development enjoy any special treatment with respect to its potential impact on sensitive coastal resources. Thus, the findings on Scenic Resources recommend that new development in the viewshed between the County Line and San Simeon Acres should be strictly limited to avoid degrading public views of this highly scenic coast, consistent with Coastal Act Section 30251. The findings for "Environmentally

Sensitive Habitats” recommend that new development must be subordinate to the protection of riparian habitats in order to be found consistent with section 30240, particularly given the listing of at least two new species under the Endangered Species Act;; as well as avoid sensitive forests and other species. Finally, the Hazards and Archeological findings also limit the appropriate location of new development. Most significantly, since the Commission last evaluated the North Coast Area Plan, the State Geologist has designate the San Simeon Fault as active -- a significant new constraint on proposed resort development (see Hazards Findings).

It is clear, then, that the location, type and intensity of the new proposal for Hearst Resorts development in the NCAP is inconsistent with the Coastal Act. Overall, the Pine Forest facility is not located at an existing node of development and is thus inconsistent with section 30250. Similarly, the resort facility currently proposed at the base of San Simeon Point should be located in, contiguous to, or in close proximity to Old San Simeon. Finally, the development proposed at the Staging Area is inconsistent with the visual resource and agriculture policies of the Coastal Act and should be pulled into the envelope in and around Old San Simeon Village. Figure 1 illustrates the proposed land use designations for the Hearst Ranch in light of these constraints.

Recognizing the Coastal Act exception for visitor-serving development, but also keeping in mind the tremendous resource constraints and other policy requirements of the Coastal Act, a more concentrated development envelope encompassing the immediate area around Old San Simeon is necessary for future visitor-serving development to be consistent with the Coastal Act. In particular, the golf course -- which is not a coastal-dependent or coastal type of recreation -- should be eliminated from the proposal as detailed in the Visual and Recreation findings, and the water supply discussion later in this finding.

Table 1 summarizes the recommended modifications to the Hearst Resort development proposal. Detailed standards and other relevant language are presented in the modifications. Figures 1 and 2 show the appropriate development locations for new development. The development envelope represents the necessary conclusions of all the findings of this report, including these development findings, as well as the geological hazards findings and visual resource findings.

Overall, new visitor-serving development on the Hearst Ranch can only be found consistent with the Coastal Act if:

- (1) new development is concentrated around the existing development node at Old San Simeon, and is constrained as shown in Figure 1;
- (2) the total number of visitor-serving units is limited to 375; non-agricultural uses are prohibited on the remainder of the Hearst Ranch, and a 1000 foot agricultural easement is put in place around the Old San Simeon development envelope;
- (3) development is sited to stay out of critical viewsheds; and
- (4) the intensity of uses, the square footage allowed, is limited to account for

limited services; resource impacts, and the minimization of coastal hazards.

Consistent with the County’s current approach, any development also should be phased, to allow for more systematic evaluation of the likely resource constraints at various intensities of development. Again, more detail on the supporting findings for these requirements is presented in the other sections of this report.

**Table 1. Hearst Resorts Phasing Plan**

<b>SUMMARY - PHASING, LOCATION AND DEVELOPMENT PLAN FOR HEARST RESORT DEVELOPMENT</b>			
<b>PHASE</b>	<b>ACTIVITY</b>	<b>LOCATION / SIZE</b>	<b>DESCRIPTION</b>
1	A. OLD SAN SIMEON HOTEL/MOTEL DEVELOPMENT	100 ACRE DEVELOPMENT (CR) ENVELOPE AT OLD SAN SIMEON AS DESCRIBED IN HEARST RESORTS STANDARD 1.	100-250 UNITS HOTEL/MOTEL; RESTAURANT, COMMERCIAL SHOPS, AND OTHER ACCESSORY USES.
	B. YOUTH HOSTEL OR CAMPGROUND	HOSTEL IN SAN SIMEON VILLAGE ENVELOPE. CAMPGROUND LOCATION TO BE DETERMINED WITH PHASE 1(A) DEVELOPMENT.	60 BED YOUTH HOSTEL OR 50 SITE CAMPGROUND WITHIN ONE YEAR OF OCCUPANCY OF PHASE 1 UNITS.
	C. STABLE URBAN/RURAL BOUNDARY/AGRICULTURAL BUFFER	1000 FOOT AGRICULTURAL EASEMENT AROUND OLD SAN SIMEON/100 FOOT SETBACK	PERMANENT BOUNDARY AROUND DEVELOPMENT ENVELOPE; AGRICULTURAL USES ONLY
	C. PUBLIC ACCESS IMPROVEMENTS	FROM SAN SIMEON VILLAGE TO OAK KNOLL CREEK, WEST OF HIGHWAY ONE; VILLAGE TO STATE PARKS VISITOR CENTER AS SHOWN IN EXHIBITS (OLD SAN SIMEON STANDARD 7)	MASTER PLAN PREPARED; BLUFFTOP TRAIL OSS TO SSP TO OAK KNOLL CREEK; PEDESTRIAN TRAIL FROM OSS TO STATE PARKS VISITOR CENTER; VERTICAL ACCESS TO SANDY BEACHES.
2	A. OLD SAN SIMEON HOTEL/MOTEL DEVELOPMENT	100 ACRE DEVELOPMENT ENVELOPE (HEARST RESORTS STANDARD 1).	100 - 275 UNITS HOTEL/MOTEL; RESTAURANTS/COMMERCIAL STORES; ACCESSORY USES
	B. PUBLIC ACCESS IMPROVEMENTS	BETWEEN PICO CREEK AND W.R. HEARST MEMORIAL STATE BEACH (OSS STANDARD 8)	AS REQUIRED BY IMPACT ANALYSIS AT MASTER PLAN AND DEVELOPMENT STAGES.
3	A. OLD SAN SIMEON HOTEL/MOTEL DEVELOPMENT	100 ACRE DEVELOPMENT ENVELOPE (HEARST RESORTS STANDARD 1).	100 - 175 UNITS HOTEL/MOTEL; RESTAURANTS/COMMERCIAL STORES; ACCESSORY USES
	B. PUBLIC ACCESS IMPROVEMENTS	BETWEEN ADOBE CREEK AND PIEDRAS BLANCAS LIGHTHOUSE (OSS STANDARD 9)	AS REQUIRED BY IMPACT ANALYSIS AT MASTER PLAN AND DEVELOPMENT STAGES.
4	A. OLD SAN SIMEON HOTEL/MOTEL DEVELOPMENT	100 ACRE DEVELOPMENT ENVELOPE (HEARST RESORTS STANDARD 1).	75 UNITS HOTEL/MOTEL; RESTAURANTS/COMMERCIAL STORES; AND OTHER ACCESSORY USES
	B. PUBLIC ACCESS IMPROVEMENTS	BETWEEN PIEDRAS BLANCAS LIGHTHOUSE AND RAGGED POINT (OSS STANDARD 10)	AS REQUIRED BY IMPACT ANALYSIS AT MASTER PLAN AND DEVELOPMENT STAGES.
NOTES: (1) All Acreage approximate. See LUE maps for location. (2) Time between phases to be according to the approved phasing plan. (3) In no case shall the total SAN SIMEON VILLAGE DEVELOPMENT exceed 535 units, <b>INCLUDING YOUTH HOSTEL AND/OR CAMPGROUND, AND 100 UNITS OF EMPLOYEE HOUSING.</b>			





Finally, the square footage allowances in the Table below reflect the Commission's best judgment as to appropriate room size and ratios to associated uses, in light of the resource constraints of the North Coast, particularly water (see Issue 3 below). The table summarizes the estimated coverage needs of 375 units at approximately 20.5 acres, assuming a mix of one and two-story structures and a significant amount of parking. This would result in an overall coverage of 25% of the allowable envelope, exclusive of roads, which are allowed an additional 20% of the envelope. This is also without factoring in the use of the existing warehouse structures as functional components of the resort development. Given the conservative assumptions factored into this analysis, the allowable density and intensity of uses at Old San Simeon would appear to be essentially compatible with the rural character and other resource constraints of Old San Simeon.

**Table 2. Allowable Coverage of Development at Old San Simeon**

Resort Component	Square Feet	Acres
375 Overnight Units @800 sq. ft/unit +20% aux. space	360,000	8.3
Accessory Uses @ 50% of overnight units +20% aux.spc.	180,000	4.1
100 Employee Housing Units @1000 sq.ft./unit+20%	120,000	2.8
60 Unit Youth Hostel	15,000	0.3
Additional Commercial Uses	75,000	1.8
Total Building Coverage at One Story	750,000	17.2
Total Building Coverage Assuming 50/50 One/Two Story	500,250	11.5
Parking (1200 spaces at 300 sq.ft./space)	360,000	8.3
<b>TOTAL SITE COVERAGE</b>	<b>860,250</b>	<b>19.7</b>
Approximate Deelopment Envelope (less 20% roads)	3,484,800	80
Percent Coverage in Old San Simeon Envelope		25%

For comparison sake, Staff notes that the 265 unit Inn at Spanish Bay, which also contains a variety of shops, recreational activities, meeting rooms and restaurants is located on a 20 acre site. The Spanish Bay site is, however, located in an urban area and served by public utilities. The intensity of development is thus greater than would be appropriate in a more rural setting. Indeed, as mentioned earlier, a more recent Commission action limited the Marina Dunes Resort to just 63 rooms on about 18 acres or, in the alternative, 9 acres of developable land less sensitive habitats. This equates to a density range of 3.5 to 7 units per acre. In the Hearst development envelope of about 100 acres, the density with 375 units would be no less than 3.75 units/acre for total site, and closer to five or six units/acre given likely site constraints, ag buffers, and other open space requirements. Similarly, the Marina Dunes allowed a total coverage of about 5.5 acres or 30% of the site.

In conclusion, as modified by these findings, new visitor-serving development on the Hearst Ranch may be found consistent with section 30250 of the Coastal Act.

## 2. New Development in Cambria

With a population of 5623, the town of Cambria is the only significant urban area in the North Coast. Approximately 75% of the existing development is residential; the remaining 25% consists of a variety of commercial, visitor-serving and urban uses. The urban service line which defines the town is drawn fairly tightly. And because Cambria is only 25% built-out, this line appears to offer plenty of opportunity to expand development within it for many years. Unfortunately it is very unlikely that the amount of growth permitted within the urban service line can be accommodated. Currently, there are 3,408 dwelling units in Cambria and a population of 5,800. The plan allows build out of another  $\pm 8,290$  dwelling units with a population increase from 19,000 to 26,000.<sup>10</sup> As detailed in later sections of this finding, water and road constraints exist now and it is uncertain that they can be overcome to the point of being able to ever support the anticipated build-out of the plan.

The seeds of Cambria's current planning dilemma were planted in the 1920's when huge tracts of land were subdivided into very small (+1700 sq. ft.) lots. Please see Exhibit 2. Oblivious to slope, the need for services and effects on the natural environment, this grid of precise, tiny rectangles was created and lots sold to individual owners many years ago. Thousands of these lots remain vacant and available for future development. Final build-out of Cambria would be even higher than that anticipated in the plan were it not for the fact that at least 10% of these lots are not suitable for development. In addition there is a clear trend for homeowners to acquire two or three lots for each house.

Finally, there are few areas remaining in Cambria for significant new subdivisions. The East-West Ranch, which is located between Park Hill and Lodge Hill, is the most important site. It currently contains 18 parcels. The update envisions a maximum of 265 lots on the west portion of the Ranch.

### Conformance with Coastal Act Policies

As discussed at the beginning of this Development finding, Coastal Act Section 30250 limits development to already developed areas that have the capacity to accommodate such growth. Although Cambria is an existing developed area, it is also severely constrained by the lack of services for the potential buildout of its many small lots. As such, new development is problematic under the Coastal Act.

The County has certainly made efforts to encourage the merger of small lots into single building sites and to voluntarily retire lots, but further reductions are still needed. One promising method to reduce the number of lots has recently been proposed by the County and is described in detail in Exhibit 3.<sup>11</sup> This analysis proposes to reduce the number of lots by establishing an assessment district to provide the funding to acquire them. Four levels of lot retirement are studied, including a 17%, 29%, 37% and 56% reduction in lots. Any reduction would, of course, narrow the disparity between development and services. However, selection of Level III or IV would be the best matches given the severity of constraints discussed later in these findings.

This proposal has been favorably received both in the community ( see Exhibit 4) and by the Board of Supervisors.<sup>12</sup> The Cambria Community Services District Board also supports the plan and has stated they would be prepared to implement it if approved by the Cambria

voters. Notwithstanding this support, the current updated NCAP provides inadequate policies and planning standards for addressing the buildout problem of Cambria. As discussed in more detail in the Water Supply findings, for example, there is no policy to avoid the creation of new lots, let alone the retirement of substandard small lots. Without such a planning requirement, new development in Cambria is not consistent with section 30250, which requires that adequate urban services be available for new coastal development. Therefore, the County's lot reduction program should be added as an area standard for Cambria because it provides a method, if approved by the voters, to bring build-out of the town much more in line with available (and potentially available) services as required by Section 30250 of the Coastal Act. (see Suggested Modification 107).

As a corollary to lot reduction, it is also important to ensure that there is no net increase in development through new subdivisions. There are few areas remaining in Cambria for significant new subdivisions. However as mentioned earlier there is some potential for a maximum of 265 lots on the west portion of the East/West Ranch. The West Ranch currently contains 18 parcels, thus the plan allows a maximum of 247 new lots. To reduce the impact of creating these new lots, the North Coast Plan provides for a mandatory lot retirement plan on a 1:1 basis for all lots created on the Ranch after 35 if the land is annexed to the Cambria Community Service District. The plan provisions raise numerous questions. For example, it is unclear why 18 additional lots should be permitted without a retirement requirement, or why only the East/West Ranch, as opposed to other areas of Cambria, must retire lots in exchange for creating new ones. It is also unclear as to what kind of lot must be retired to mitigate the creation of a new one. Simply retiring lots that are already unbuildable does little to effectively avoid new development.

To be consistent with Section 30250, planning standards are needed that require all new residential subdivisions to retire an equivalent number of lots based on the impact of the new lots being proposed. This would be more consistent with the goal of avoiding a net increase in building potential. (see Suggested Modification 109). However, one-to-one retirement for new lots is insufficient in and of itself to meet the demands for new development in Cambria. Indeed, in a context like Cambria, it is important to ensure that the lot or lots retired truly mitigate the impacts on public services attributable to the newly created lot. If, for example, a new lot was 7500 square feet, a fairly typical modern lot size, the anticipated development, consistent with current trends toward larger homes in Cambria, would be a residence of over 3000 square feet. A review of permits over the last 8 years show that houses are generally ranging between 3000-4000 sq. ft. on lots of this size. A home of this size is more likely to be occupied year round and by a larger household than a home constructed on one of the existing substandard parcels which is typically 1750 square feet in size. Homes on these small sites are limited to 1000 square feet or less in size (pg. 7-103). Virtually no space on these small sites will remain for landscaping after the house and driveway are constructed. In contrast, significant garden areas would remain on the hypothetical 7500 sq. ft. lot even after construction of a +3500 sq. ft. house and double driveway. Considering the anticipated larger house, greater number of occupants and landscaping, more water, sewage service and greater traffic generation can be expected from the development of the larger lot than a project on the smaller one. A simple trade of one small lot for one, new large lot would, therefore only partially mitigate the impacts of new lot. Likewise the retirement of a small lot with low

development potential because it is located on a steep hillside with no road access does not mitigate the creation of a new lot on a flat or reasonable slope served by road and utilities. The new lot will, in all likelihood develop. The old lot will, in all likelihood never develop because construction costs would be prohibitive. (In fact, the North Coast Plan and the 1997 Hausrath Economic Analysis assume that 10% of the small lots will not develop because of their location).

A program that required the retirement of an area equivalent to the area of the new lot would be simple to administer and result in more effective mitigation for new, standard size (up to 7500 sq. ft.) residential lots. The impacts of new residential lots over 7500 square feet in size would not ordinarily be significantly greater than those of a 7500 sq. ft. lot and thus would not be required to retire lots for any area over 7500 sq. ft. unless the County finds that, for a particular subdivision, additional mitigation through lot retirement is needed. Finally, a limitation on the number of small lots on steep slopes that could be used in any retirement transactions will ensure that most of the lots retired are truly developable thus providing adequate mitigation for the new lot. (Please see Suggested Modification 109.)

### 3. Water Supply

A reliable water supply is the single most critical constraint on new development in the North Coast. Separated from population centers by distance and rugged topography, the North Coast must rely on local streams for water. Unfortunately, the streams are small, their water storage basins are limited, and the effects of significant withdrawals on habitat values and the integrity of the aquifers are poorly documented. In addition, there is tight competition for scarce water supplies between agricultural and municipal users and the maintenance of riparian/wetland species. With Cambria only 25% built-out, San Simeon Acres only 54% built-out, and with intensive visitor-serving at Hearst Ranch as yet unbuilt, this competition can be expected to intensify.

This situation is exacerbated by the characteristics of the aquifers that supply water for urban and agricultural uses in the North Coast planning area. With the exception of Phelan and Chisholm Springs on the Hearst Ranch, water is supplied by wells that pump the underflow of the local creeks. Wells are presently located on Pico, San Simeon and Santa Rosa Creeks. Wells are planned on Arroyo de la Cruz to serve the proposed Hearst Resorts. The water is extracted from gravel and sand areas which underly portions of the creeks -- generally the lower reaches of these water courses. The water bearing gravel and sand areas range in depth from a few feet to as much as 80' and do not extend any great distance beyond the creek channels.

During the wet portion of the year, when the creeks are visibly flowing, these aquifers fill up with water. The maximum amount of water that can be absorbed into the aquifer is expressed as "usable storage." The filling up of a depleted or partially depleted aquifer is called "recharge". Typically, aquifers like these are recharged fairly quickly by the winter rains because they are not very large. If, however, winter rains are below average, the aquifer may not recharge fully. Also, if storm flows down the creek are too rapid, the surface water may discharge into the sea before the aquifer is fully recharged. In any

event, once surface flows terminate for the year, there is no further recharge of the aquifer.

Recharge of the north coast streams, of course, is influenced by the amount and timing of rainfall. Rainfall and the annual flow of the creeks vary greatly over time. For example, in 1983, the annual flow at the upper gauge on Santa Rosa Creek was 21,300 AF, in 1985 it was 3,593 AF.<sup>13</sup> According to a preliminary study done by USGS,<sup>14</sup> in 1994 annual stream flows at this upstream gauge ranged from 244 AF to 27,800 AF for the thirty year period between 1959 and 1989. On San Simeon Creek, annual discharge between 1971 and 1989 ranged from 475 AF to 42,600 AF (page 100). The authors of the USGS report state that the relationship between flows and rainfall is linear. Rainfall in the planning area varies greatly from year to year, ranging from 10" per year to 40" for the period between July 1974 to the present.

Because the North Coast aquifers are small and annual flows vary widely, reliance on "average" flows to determine water availability for a given year or years is not appropriate. For example, there were two straight years of drought in 1975 and 1976 when the aquifers did not fully recharge and water was simply not available. Efforts to pump the depleted aquifer on the Santa Rosa Creek resulted in subsidence and seawater intrusion as well as a de-watering of the lagoon. To avoid such overpumping, it is more prudent to base anticipated extractions from both aquifers on low flow data to ensure a reliable water supply.

Finally, all water in storage in an aquifer is not available for use. Storage is a term which quantifies the total amount of water that can be physically absorbed into the geologic structure of an aquifer. The amount that can be removed without causing damage is termed the "safe yield". This amount will always be less than total storage. Some water must remain in the aquifer to support riparian and wetland habitat, to provide a barrier against salt-water intrusion and to avoid irreparable damage to the aquifer due to subsidence. Subsidence occurs when the aquifer is significantly overdrafted. When an aquifer subsides, the geologic structure (gravels, sands, fines) is compressed, thus reducing the ability of the aquifer to store water. This process is irreversible. (Please see Exhibit 5 for a brief over-view of groundwater hydrology).

In summary, the North Coast Creeks accommodate vastly different flow levels, and have small aquifers which recharge quickly but can also be depleted quickly. Safe yield figures presently available are estimates based on an average rain year, and they have not fully considered impacts of such withdrawals on riparian and wetland habitats -- particularly during dry periods and drought years.

## **Cambria**

Water for the unincorporated town is supplied by the Cambria Community Services District (CCSD). The District boundaries include most of the land within the urban boundary defined in the LUP. CCSD does not take in a major portion of the 450 acre East-West Ranch which although adjacent to the urban area is outside the urban boundary of Cambria. The District also serves (approximately 300 to 500) acres outside the urban boundary. Cambria Community Services District's water is supplied from five wells which

tap the underflow of San Simeon and Santa Rosa Creeks.

***Santa Rosa Creek***

Santa Rosa Creek winds through the town of Cambria, extending +13 miles from its headwaters in the Santa Lucia Mountains to the Pacific Ocean. The estimated safe yield of this creek is given in the North Coast update as 2260 acre feet (AF) per year based on a 1994 preliminary study by the United States Geologic Survey.<sup>15</sup> A review of this document does not, however, provide a definitive safe yield figure and although it includes information regarding existing water demand for agricultural and municipal uses, it does not factor in the water needs for the preservation of riparian and wetland habitats.

CCSD has a permit from the State Water Resources Control Board to extract a maximum of 518 AF per year from Santa Rosa Creek. Of this total, only 260 AF a year can be extracted between May 1 and October 31. This summer limit has never been reached for two reasons, in times of plentiful streamflow, the District prefers to use water from San Simeon Creek because it is of much better quality and requires less treatment. In dry years, Santa Rosa Creek is incapable of supplying this amount of water. As an example, in the drought of 1976-77, less water than allocated by the State Water Resources Control Board could be withdrawn before the wells went dry. Overpumping during that period also caused significant subsidence, potentially damaging the ability of the aquifer to recharge. The water production table attached as Exhibit 6 demonstrates the preference for water from San Simeon Creek.

Thus, in summary, while the Santa Rosa Creek safe yield of 2260 AF given on pg. 3-12 of the plan implies an adequate water supply to serve Cambria's needs, a closer look reveals that the basis for that number is not well grounded, does not consider impacts on habitat values, does not factor in the ability of the aquifer to actually produce water during a drought nor the potentially damaging effects of attempting to do so on the aquifer structure. Since development uses water on a year round basis and, in fact, water use in Cambria is up by 40% during the summer months, it is imperative that the water supply is sufficient to meet urban needs during these months and during periods of drought. Likewise, the protection of riparian and wetland habitat depends on a reliable and sustainable water supply (Please see ESHA Finding).

***San Simeon Creek***

San Simeon Creek, located two miles north of Cambria, is the preferred source of municipal water. This creek too has its headwaters in the Santa Lucia Range and flows westward for over nine miles to the Pacific Ocean. Safe yield for San Simeon Creek is estimated to be 900 acre feet in the North Coast Update. Similar to the figure for Santa Rosa Creek, this estimate relies on the 1994 USGS report and is subject to the same flaws. Riparian agricultural users in the basin consume approximately 450 AF per year. CCSD has a permit from the State Water Resources Control Board which allows the District to withdraw a maximum of 1230 AF per year. Of this total, only 370 AF may be withdrawn during the dry period which, in this case, is defined as that time between the cessation of surface run-off at the Palmer Flats Gaging Station and October 31, 1997.

Typically this is a six or seven month period. The permit also requires the District to supply riparian users when municipal pumping lowers the aquifer to the point where riparian users pumps run dry (Board Order WR 88-14, October 1988).

Several uncertainties exist with respect to the reliable, long term amount of water which can be supplied by San Simeon Creek. The first issue is the soundness of the 900 AF safe yield figure. It is unclear how this figure was determined and whether it was calculated to include a reservation of water for the preservation of riparian and wetland habitat. The changing water needs of senior, riparian users must also be addressed. These users have priority over appropriators such as CCSD and are thus entitled to be served before the District. They may also divert additional water if fallow, riparian fields are brought into production. Finally, the multiple disparities between estimated safe yield, water board allocations and current production are also of concern. One apparent conflict is that even if one one accepts an estimated safe yield of 900 acre feet, the existing State Water Resources Control Board permit allows one of the users, CCSD, to withdraw a maximum of 1230 AF a year, 330 AF over safe yield not including existing riparian withdrawals. Another concern is that with the exception of 1991 extractions, the combined riparian and CCSD withdrawals have exceeded the estimated safe yield figure since 1980. In 1996, for example, CCSD withdrew 717 AF from San Simeon, riparian users withdrew +450 AF for a total of 1167 AF, 267 AF in excess of the estimated safe yield of 900 AF given in the plan. (Please see Exhibit 6, Water Production Records, CCSD.)

### ***Alternative Water Sources and Management Options***

Due to the constraints and uncertainties which surround expanded water withdrawals or even continuation of existing levels of extraction from the Santa Rosa and San Simeon Creek basins, it is relevant to review alternative water sources for urban uses and planning tools for water management. Practically speaking, alternatives include construction of desalinization facilities, increased storage, water conservation and efficient water delivery systems. Reservoirs and imported water are also theoretical possibilities but due to potential environmental effects and costs are, in reality, less viable.

### ***Desalinization***

CCSD currently has a valid Coastal Permit to construct a desalinization plant capable of producing 1307 AF of water a year. According to a May 1997 fiscal analysis<sup>16</sup> of plan alternatives and infrastructure costs, approximately 36% (412 AF) of Cambria's share of the new desalinization plant production is needed to cure existing service deficiencies. The District has agreed to share up to 161 AF a year of water with the San Simeon Community Services District to support new development in San Simeon Acres. A pipeline to transport this water has also been granted a Coastal Development Permit. Thus a balance of 724 AF would be available for new development in Cambria. The approved desalinization facility will be very expensive to build and operate, and the District has not begun construction. CCSD is currently looking into plan modifications which could significantly reduce the cost of construction. It is anticipated that a decision on whether to proceed with the project will be made within the next year. Desalinization thus appears to offer an achievable alternative to the existing water source particularly if construction costs can be reduced. Costs per acre foot of water are also comparable at \$1500.00 an AF for

desalinization and \$1300.00 an AF for water extracted from the creeks.

A privately owned and operated desalinization plant is proposed in the North Coast update to serve the planned subdivision on the East/West Ranch with water as an option to annexation and service by the Cambria Community Services District. County staff has indicated that the following planning standard provides for this method of water supply:

*Technology: Employ progressive measures that utilize new technology, are resource efficient and environmentally sound (Standard K, 7-59).*

Only a portion of the East/West Ranch is located within the Urban Service Line (USL) of Cambria. Most of the property, the West Ranch, is not in the USL and has not been annexed into the Cambria Community Services District. Development of the Ranch for residential use is considered urban infill because it is surrounded on all three land sides by existing urban uses.

### **Increased Storage**

Storing water during times of plenty is another way to augment supply. As previously discussed, reliable withdrawal from the creeks is most problematic during the dry period of the year -- generally between May and October and during cyclical droughts. At the same time water use jumps by 40% during the summer months.<sup>17</sup> In the winter, however, most years, thousands of acre feet of water course down San Simeon and Santa Rosa Creeks to empty into the sea. A substantial amount of this water could be diverted to urban use, at no harm to habitat values, if adequate storage was available. Currently, CCSD has the ability to store only one million gallons (+3 AF) for operating flexibility and fire protection, barely enough to satisfy one days use during the summer peak periods.

### **Water Conservation**

A method to stretch an existing, finite water supply is to initiate an aggressive, comprehensive water conservation program. Beginning in 1990, CCSD fielded a retrofit program to replace old plumbing fixtures with lower use modern ones. As stated in the January 1997 report to the CCSD Board:

*The purpose of the Program is to allow for additional new construction, but at the same time reduce overall water use in the District. This is done by installing low flow plumbing devices in existing homes, installing water saving agricultural irrigation systems, entering into water exchange agreements and constructing new water supply projects. By doing so existing water supplies are utilized more efficiently allowing for the surplus to be used for new construction. In adopting the Retrofit Program the Board of Directors established a savings goal of 2 to 1. This means that each applicant wishing to construct a new house is required to save enough water to cover his or her house plus one other. For example, under the existing ordinance an applicant constructing a new home on a large lot (more than 8000 square feet) must provide water savings equivalent to the retrofitting of at least 17 two bathroom homes in order to meet the current 2 to 1 requirement, or pay a corresponding in-lieu fee of 17 times \$550.00, or, \$9,350.*



As of January 1, 1997, 1,693 residential structures have had low flow plumbing fixtures installed under the District's Retrofit Program. An additional 472 houses have been retrofitted under the District's Retrofit on Resale Program and 299 houses under the provisions for New Construction and Remodeling. There are 2,410 homes that have been retrofitted and it is estimated that there are approximately 1,100 existing houses still available for retrofit in Cambria.

A more conservative retrofit to new construction formula is suggested in the report to the CCSD Board (pg. 6) as follows:

**Table 3: Modified Retrofitted Residential Water Usage Comparison\***

Average Number of Units Used Per Household (Bi-Monthly):

1989/90	12.5 Units ** (A unit of water is 748 gallons)
1995/96	11.01 Units

\* Excludes users who consume two or less units and 41 or more units per billing period and all homes not known to be retrofitted to District retrofit standards.

\*\* 1989/90 Base Year Average (i.e., all users)

As a result there is a 0.5 unit ( $\pm 370$  gallons) per residential household difference between a retrofitted and non-retrofitted home based on 1995/96 data. The 0.5 units can be established as the amount of water saved for each Equivalent Dwelling Unit (EDU) retrofitted. In taking the most conservative approach to determine the required 2 to 1 ratio established in the District Ordinance the following formula could be used:

(Estimated New Use divided by Units Saved) x 2 = Savings Goal of 2 to 1

(11.01 Units divided by 0.5 Units) x 2 = 44 Units

Thus, the equivalent of 44 houses (EDU's) would need to be retrofitted to save twice the amount of water a new house would require under this formula. In 1996 the average number of points required under the Program is equivalent to 13.5 houses.

Given either of these figures, 44 retrofits of existing homes to allow one new home, or 17 retrofits to allow one new home, it appears that the life of the program is limited due to the finite (1100) number of non-retrofitted homes. At the 44:1 ratio, 25 new homes could be accommodated. At a 17:1 ratio, 64 new homes could be built. The effectiveness of the program to actually result in no net gain of water demand is also greatly limited by the option of the potential new home builder to pay an in-lieu fee of \$550.00 a point rather

than negotiate the retrofitting of existing homes. Since the institution of the in-lieu option in 1994, 85% of the applicants have opted to pay the fee rather than retrofit. According to the January 1997 report to the CCSD Board, most of this money collected in 1996 was used to pay expenses associated with designing the desalinization facilities and obtaining permits for its construction. The District is currently re-assessing the in-lieu fee program and may decide not to continue it. The net effect of this program to date seems to be at least a slowing down of increased water use rather than maintenance (or reduction) of the status quo.

The District also has completed a program to repair and replace aged, leaking pipes. Prior to completion of this program in 1987, up to 30% of water produced had been lost to leakage. This remedial work is, however, a one time event in that it does not lower demand, it simply reduced waste between production and delivery. Post-1988 production figures are by comparison much more likely to relate closely to actual use.

CCSD has, as can be seen from the preceding discussion, attempted to augment and conserve the existing water supplies. The leak detection and repair program has been quite successful in saving water, the retrofit program less so -- particularly since the introduction of the in-lieu fee option in 1994. Construction of the desalinization plant is stalled but offers a potential for a meaningful addition to existing supplies. (Please see Exhibit 7, correspondence from CCSD describing existing and proposed programs.)

In the meantime, the January 1997 report to the District notes that water use in both conventionally plumbed and retrofitted homes is on the rise as is water use for commercial activities. The report notes that even so, water use (based apparently on production figures) is still lower than it was in 1988.

### **Management**

Another method to address limited water supplies is to manage new urban growth so that development does not outstrip available services. San Luis Obispo County has chosen two traditional planning methods to limit urban growth -- a Growth Management Ordinance which limits the number of new residential units in Cambria to 125 a year and a Resource Management System which monitors essential services and can theoretically halt development when defined thresholds of severity are reached. (NCAP pg. 3-7 et seq.)

The Growth Management limitations on the number of new units which can be constructed in Cambria in a given year is insufficient to address the problem of a very limited and unreliable water supply. The program simply slows down the effects of the increasing disparity between water supply and demand, but does not address the root problem presented by a scarce but essential service.

The Resource Management System (RMS) offers a better tool for phasing new development with adequate services because it provides an objective standard for determining when services and development are poorly matched. The RMS has three levels of Resource Severity constraints relative to water, sewer, roads, schools and air quality. Level One is an "early warning" threshold that indicates a particular service or resource will be inadequate to support a specific, planned level of development in the future. Level Two warns that an identified service or resource will be depleted before more

capacity can be obtained. Level Two calls for fairly immediate action to increase capacity or slow down additional demands on the service. Level Three is the most severe situation. This level occurs when the capacity of an identified service or resource to serve development has been met or is exceeded. At this level, the LUP states that action may be needed to protect basic public health and safety.

In Cambria, water is one of the services listed as having already-passed Level Three severity by 1995 when the chart was last updated. The reason water is shown as a Level Three constraint is because there is not now an adequate, reliable water supply sufficient to serve the development that presently exists during a dry or drought year. Indeed, some local observers believe there is inadequate water to accommodate a normal rainfall year. (Please see Exhibit 8, correspondence to Commission from William Bianchi, received November 24, 1997.) In any event, the County acknowledges that the water supply is problematic existing levels of development. This level of constraint of an essential service might seem to imply that it would be prudent to stop new development until additional capacity could be obtained. The RMS program allows, but does not require, the County to reduce or eliminate new development in this situation. The County has thus far not taken this step.

### **Conformance with Coastal Act Policies**

As the preceding analysis suggests, the proposed amendment is inconsistent with Coastal Act policies because it provides for continued urban development that cannot be supported by existing water supplies. Estimates of available water to serve new development are based on incomplete information and do not analyze the impacts of water withdrawals on riparian/wetland habitats or agricultural activities as required by the Coastal Act (Sections 30240, 30241(e) and 30231). Programs, like the RMS, which could ensure that new development is allowed only when adequate services are available to support it, are not mandatory and have not been voluntarily implemented.

In order to find the proposed updated LUP consistent with the Coastal Act, the updated water section must be re-written to more accurately describe the nature of the aquifer and the need for a more thorough study to determine safe yield. To ensure that additional water withdrawals for municipal uses will not adversely impact the coastal resources of riparian/wetland habitats and agriculture, a planning standard must be added to Chapter 7,C, Cambria Urban Area Standards (pg. 7-47 et seq.) which provides for a moratorium on all new development which would be served with water from either of these sources unless a variety of performance standards are met over the next three years to ensure that coastal resources are adequately protected.

As specified in Suggested Modification 107, basic performance standards that should be met include the preparation of an Instream Flow Management Study to determine the water needs of riparian and wetland species living in Santa Rosa and San Simeon Creeks; and the development and implementation of a water production strategy that is capable of serving the development provided for in the plan. This standard includes re-use of wastewater, water supply other than from the creeks and reduction of build-out.

Finally, the County has a reasonably effective set of policies for water management for

*existing* lots. However, the provision of water for the East-West Ranch is unsatisfactory, particularly the proposal for a private desalination plant. In previous actions, the Commission has found that the provision of essential services in urban areas should be undertaken by public (or private) utility purveyors for an entire service area rather than individualized utilities constructed to serve a single project. The following excerpt from the adopted Findings for the 1995 LCP amendment to the Santa Barbara Coastal Plan outlines the rationale for this determination:

*Private desalination facilities also raise the basic policy question of the effect of allowing the proliferation of privately owned and operated water supply facilities on the ability to comprehensively plan for the provision and essential public services.*

*Additional questions raised by private desalination facilities include the ability of a private homeowners association to operate and be accountable for complex desalination operations to mitigate impacts, adequately respond to and cleanup potential spills of hazardous chemicals, enforce operation limitations and in general maintain control and long-term operation of the facilities. These include concerns about the homeowners capability over the long term to successfully operate the facility without the need for an established water purveyor to step in and operate the system or provide alternative water supplies should the association facilities fail. The Commission has developed a discussion paper which addresses these and other coastal issues related to the development of desalination facilities.*

*Two of the fundamental questions raised by the proposal to use private desalination facilities are: the potential precedent such a facility generates for inducing unlimited growth based upon a technically unlimited supply of water; and the further fragmentation of public utility services, and related tendency toward scattering public work facilities, and their related impacts, rather than consolidating them as stipulated in Coastal Act Section 30260. Proliferation of desal facilities where consolidation is feasible, whether private or public, is inconsistent with the requirements of PRC Section 30260.*

*Consolidation and expansion of existing public desalination facilities will help to successfully operate the complex technology and reduce or mitigate potential impacts resulting from such facilities. The success of desalination facilities is also more likely when operated by established water purveyors serving large geographic bases and a larger rate-paying pool as compared to a private homeowners association with limited funds and expertise to manage such complex operations. The experience of small private water purveyors depending upon small industrial desalination facilities and water wells in the Goleta/Santa Barbara area and other areas in the coastal zone has demonstrated the difficulties of sustained operation of such facilities.*

*Since the GWD's service district boundaries include the Goleta Community Plan planning area and a desalination facility is available to provide desalinated water to the GWD by contract, private desalination facilities are not currently appropriate.*

*Region-wide provision of desalination facilities, prevents proliferation of smaller individual desalination facilities, thereby reducing cumulative impacts on coastal resources, including marine resources, created by individual facilities. A region-wide approach supports the Commission's consolidation policy, Section 30260, which encourages coastal-dependent industrial facilities, such as portions of desalination facilities, as determined on a case by case basis. These facilities are encouraged to expand within existing sites so long as they are designed to permit reasonable long term growth consistent with the Coastal Act and certified LCP.*

*It should be noted that the Commission has allowed a private desal facility on Santa Catalina Island. That facility, however, was consolidated with an Edison electrical power facility and there is no municipal or public water system at that location. The circumstances on Santa Catalina Island were thus different in important respects from those in the Goleta Planning Area."*

As discussed earlier, in addition to the area already within the Cambria Urban Services Line (USL), there are approximately 300 acres (18 parcels) of the East/West Ranch that are not within the USL but are surrounded by urban development. (Please see Exhibit 9.) This site is a logical urban infill area and is currently designated for a maximum of 340 residential units in the Certified North Coast Plan. The plan update reduces the maximum unit count to 265. If this site develops at an urban density as anticipated by its' owners, it will require urban services and must be included within the urban service line. The creation of isolated pockets of urban level development outside of the urban boundary is inconsistent with Coastal Act Policy 30250 which supports the location of urban uses in urban areas. The North Coast update requires that this site be brought into the urban service area if it is subdivided into more than 35 lots. (Standard 11B, page 7-60) Subsequent annexation into the Cambria Community Services District is, however, optional for any development scenario on the West Ranch (Standards 11B, C, D, pg. 7-60).

The Plan anticipates that if the CCSD does not annex the West Ranch it could obtain its water supply from a private desalinization plant. This proposal is inconsistent with Coastal Act policies and the Commission's action in similar planning situations in the past. Therefore, the NCAP should be modified to prohibit the use of single project desalinization plants (see Modification 109). An alternative method of water supply, other than CCSD, is by new wells on the lower reaches of Santa Rosa Creek which curves through the north-east corner of the West Ranch. Correspondence from representatives of the East/West Ranch state that they hold a pre-1914 appropriative right to the creek waters and would be entitled to 186 AF a year based on past ranch use. The letter goes on to say that while this appropriative right exists, they would prefer to be served by water from a desalinization plant and not exercise their appropriative right.<sup>18</sup>

Based on the discussion and conclusions reached in the earlier analysis of the productivity of Santa Rosa Creek, additional withdrawals from this creek are problematic. The use of water from Santa Rosa Creek to serve the domestic needs of development on the East/West Ranch is simply not a realistic option at this time. Therefore, if the West Ranch is to be subdivided and developed as proposed in the North Coast Update, the plan must be modified to require inclusion within the Urban Service Line and annexation to Cambria

Community Services District so that water service and wastewater treatment service can be provided to accommodate the urban development. (Please see Suggested Modification 115.)

Finally, in order to achieve consistency with Coastal Act Sections 30260 and 30250, a new, areawide standard is needed that requires that desalinization plants serve urban intensity development within or in close proximity to existing urban areas must be owned and operated by a public agency. (see Suggested Modification 109.) Planning standard 9K (pg. 7-59) for development on the East/West Ranch also should be clarified to preclude private desalinization facilities (see Suggested Modification 114) and Standard 10B, C and D (pg. 7-59) must be revised to require annexation to Cambria Community Services District prior to approval of further subdivision of the property (Please see Suggested Modification 115.) Companion changes to Standard 11 B, C and D relevant to CCSD annexation and the table on pg. 7-64 are also required (pg. 7-60). (see Suggested Modification 116).

### **San Simeon Acres**

San Simeon Acres is a small satellite community located approximately 1.5 miles north of Cambria. The current population is 250 and the land area within the urban boundary is 80 acres. Land use in San Simeon Acres is about evenly divided between visitor serving commercial retail and multi-family residential designations. According to County estimates, the village is approximately 50% built out. San Simeon Acres provides services for visitors to nearby Hearst Castle and thus a variety of motels, restaurants and other retail ventures geared toward the coastal visitor have developed over the years since the land was split off the Hearst Ranch for this purpose in the 1940's.

San Simeon Community Services District (SSCSD) provides domestic water to San Simeon Acres (pg. 3-34). This district obtains its water from two wells which tap the underflow of Pico Creek, located on the north edge of town. The safe yield of Pico Creek is estimated at 130 acre feet (AF) a year based on preliminary studies undertaken by the Department of Water Resources in the 1950's. The North Coast Plan acknowledges the uncertainty of this figure because it requires that a study to determine safe yield must be undertaken when water extractions reach 140 AF a year (pg. 7-114). Given the preliminary quality of these studies, their age and the fact that effects on habitat were not considered, the resulting safe yield must be viewed with caution. Current withdrawals from Pico Creek total 102 AF (86 AF for urban use, 16 AF for agricultural demand). According to the North Coast update, San Simeon Acres water supply was adequate through 1985 (pg. 3-35). Since that time a moratorium on new construction that required water service has been in effect. Conservation and a prohibition on outdoor water use has also been necessary to maintain existing levels of development. Buildout of San Simeon Acres proposes a population of +1229 people, an increase of +500% over the existing number of residents. An additional 349 motel units for a total of 1055 is also contemplated. At current motel occupancy rates (approximately 55%) and residential water use rates (120 gpd per capita), 240 AF of water would be needed for buildout according to the North Coast plan.

### **Pico Creek**

Pico Creek is a small coastal water course which flows from its headwaters in the Santa

Lucia Mountains to the Pacific Ocean. As stated earlier, a safe yield of 130 AF a year has been estimated for this creek but that figure should be viewed with caution. The SSCSD has a permit from the County to extract 140 AF a year from the creek underflow but this figure is above the safe yield and probably above the true ability of the aquifer to reliably supply water. The maximum amount withdrawn by the district has been 100 AF annually (1997). During the summer months, extractions have not exceeded  $\pm 12$  AF per month. The effects of this withdrawal on coastal resources has not been addressed. The changing demand for water by senior, riparian users has also not been considered. Riparian users have priority for water over appropriations like SSCSD and thus are entitled to have their allocations filled before the district. Currently, the riparian user, Hearst Ranch, withdraws only 16 AF a year for stockwatering but if ranch plans changed -- additional cattle or the initiation of row crop production -- greater amounts of water could be needed.

### ***Alternative Water Sources, Management and Conservation***

Given the constraints and uncertainties relevant to increased water withdrawals or, even continuation of the existing level of extraction from Pico Creek, it is important to review alternative water sources and planning management tools for San Simeon Acres. As with Cambria, the most practical alternatives include the construction of desalinization facilities, increased storage, water conservation and mandatory phasing of new development consistent with the capacity of essential public services.

#### ***Desalinization***

As discussed earlier in the section about Cambria, CCSD has a plan to construct a desalinization plant capable of producing 1307 AF of water a year. The CCSD has agreed to share up to 161 AF of desalinization water with the San Simeon Community Services District. A pipeline to transport this water to San Simeon Acres has already been approved. Depending on the ultimate figure for safe yield from Pico Creek, the desalinization water and creek withdrawal could potentially meet, or at least come closer to, the 240 AF needed for buildout of the village. At this time, however, it is unclear whether the CCSD desalinization plant will ever be constructed.

#### ***Increased Storage***

As discussed under this topic for Cambria, increased water storage is another method that can augment water supplies, particularly for use during the higher use summer months and during drought. SSCSD has virtually no storage tanks other than a 150,000 gallon facility for fire protection.

#### ***Water Conservation***

San Simeon Acres has practiced strict water conservation for the past decade. No new construction or remodeling which would require additional water service has been permitted since 1986. All bathrooms have been retrofitted with low flow fixtures. All outdoor water use for landscaping has been prohibited since 1989. Water use per capita is significantly lower than the norm. It appears that all the methods available to reduce water

use have been implemented and no further reductions due to conservation can be expected.

### ***Management***

The Resource Management System (RMS) discussed for Cambria also applies to San Simeon Acres. The chart on page 3-9 of the North Coast update shows that water supplies for San Simeon Acres are already constrained to Level III, the most severe level of constraint. As in the case of Cambria, the County could halt new development when a Level 3 constraint is reached. This action has not been taken by the County, however SSCSD, the water provider, has declared a moratorium on new development. The decision to continue the moratorium is of course, solely at the discretion of the district.

### **Conformance with Coastal Act Policies**

The proposed amendment is inconsistent with Coastal Act policies because it provides for continued urban development that cannot be supported by existing water supplies. This situation is further exacerbated in San Simeon Acres by allowing additional residential development beyond that permitted in the existing certified North Coast Plan. San Simeon Acres planning standard II (pg. 7-117 NCU) add high density residential use (26 d.u. per acre) to the rear half or upper story of commercial development on all land designated for commercial retail use (approximately half the acreage of San Simeon Acres). This residential use may be built in advance of, or in concert with, the Commercial use and has the potential to add at least a few hundred units to the housing stock. As in Cambria, estimates of the safe yield of the water source are sketchy and do not consider impacts on riparian and wetland habitat or agricultural activities. Finally, programs, like the RMS, which have the effect of phasing new development to be matched with the availability of essential services, are not mandatory and have not been voluntarily implemented.

In order for the proposed updated LUP to be consistent with the Coastal Act development policies, the water section discussing supply for San Simeon Acres must be revised to more accurately describe the nature of the aquifer and the need for a more thorough study to determine safe yield. To ensure that additional water withdrawals will not adversely impact riparian and wetland habitats or agricultural activities, a planning standard must be added to Chapter 7, D. San Simeon Acres Village Standards, (pg. 7-113 et seq.) which provides for a continued moratorium on all new development which would be served with water from Pico Creek until such time that an Instream Flow Management Study (ISFM) which shows additional withdrawals are consistent with applicable Coastal Act policies has been completed, approved by the County, and incorporated into the LCP (see Suggested Modification 133). New development served by water from the CCSD desalinization plant would not be precluded. Finally, denial of the increase in residential use proposed by allowing high density, multi-family development in the Commercial district is required at this time because of the uncertainties associated with the ability of the water purveyor to serve the amount of development already permitted in the plan. (see Suggested Modification 134.)

### **Rural Areas**

The rural portion of the North Coast Coastal Zone encompasses over 100,000 acres, most



of which is designated for agricultural use. Agricultural uses typically include cow/calf operations, with the Hearst Ranch as the largest operator in the area running an average of 2100 head over the +48,000 acres of their holdings in the Coastal Zone. Other agricultural activities include row crops, dry farming and some orchard development. According to Table 3-2 (pg. 3-12), agricultural uses that rely on water from Santa Rosa, San Simeon and Pico Creeks withdraw a total of 1356 AF for irrigation and stockwatering. Table 3-2 does not offer any agricultural use figures for the two creeks, San Carpoforo and Arroyo de la Cruz, which are located on the Hearst Ranch and presumably are water sources for the various ranch activities.

Water is also needed to support a variety of other rural land uses -- scattered residential development and a gravel operation on San Simeon Creek for example. The County estimates that the rural area is only about 13% builtout and that additional residential units can be constructed as well as a variety of other types of development permitted in the agricultural and rural lands districts.

Plan goals for the development of the rural North Coast include protection of coastal natural resources (wetland/riparian habitat, marine habitat, threatened or endangered species) and balancing growth with the sustained availability of resources (presumably resources, like water, needed to accommodate development). (pg. 1-3 NCU) Another goal of the North Coast update is to maintain a clear distinction between urban and rural scale development. (pg. 1-4)

Of the five main creeks that provide water to the rural areas, San Simeon, Santa Rosa, and Pico Creeks have already been discussed. That leaves San Carpoforo Creek, and Arroyo de la Cruz. Another, minor, source, not discussed in the North Coast update, is Villa Creek.<sup>19</sup>

### ***San Carpoforo***

This creek in the northern end of the planning area flows from its headwaters in the Santa Lucia Mountains through the Hearst Ranch to its outlet in the Pacific Ocean at Ragged Point. The Hearst Ranch has never filed for a permit from the State Water Resources Control Board to extract water from this creek. With the exception of a preliminary study done by the Department of Water Resources in the 1950's, no further hydrological or biological analysis has been undertaken for San Carpoforo Creek. Thus, little is known about storage capacity and even an estimated safe yield figure is unavailable.

### ***Arroyo de la Cruz***

Arroyo de la Cruz Creek also has its headwaters in the Santa Lucia Mountains. It flows through the Hearst Ranch to the sea between Ragged Point and Piedras Blancas. The safe yield of Arroyo de la Cruz is estimated in the Plan as 470 AF based on early preliminary studies by Department of Water Resources. A 1982 decision by the State Water Resources Control Board allocated the Hearst Corporation 1607 AF of water per year based on a 1982 Environmental Impact Study. This study did not actually give a "safe yield" figure for the aquifer, but estimated that groundwater storage for the Upper Basin, (the site of the proposed wells for the resorts) was 2,348 acre feet. This estimate of total storage was made by defining the hydrological boundaries of the aquifer based on

well data and seismic refraction and calculating storage capacity using a model of average rainfall. Although the analytical link between this estimate of total storage and the appropriateness of the 1244 acre feet annual withdrawal is missing, the EIR concludes that 50% of the estimated storage could be withdrawn without damage to the structure of the aquifer. The EIR does, however, acknowledge that riparian habitat could be affected; recharge of the aquifer during periods of below average rainfall (drought) could be a potential problem; and the “precise effects of the water extraction on the Upper Basin aquifer cannot be determined because there are many unknowns that can only be determined by pumping the reservoir and observing the changes in water levels.” (EIR p.59).

The Hearst Corporation contends that because its proposed development would use less than 800 acre feet per year, the 1982 annual estimate is both adequate and reliable. The Commission disagrees. The Commission has found that there are changed circumstances with respect to many issues raised in the NCAP. One of these changes is the level of understanding and knowledge regarding what constitutes an adequate safe yield for a reliable water source. As discussed in the introductory section on water supply for the planning area, hydrologists have now found that the use of an “average” rainfall figure to predict reliable withdrawals from the small north coast streams is an overly simplistic approach given their characteristics and the wide divergence both in volume and rate of rainfall from year to year. Effects of withdrawals on the aquifer as well as riparian and wetland species are also better understood than when the 1982 E.I.R. was prepared some seventeen years ago and the preliminary studies undertaken by the Department of Water Resources over two decades ago. In summary, it has been found, through practical experience in Cambria, and through greater technical knowledge, that these coastal streams may fail to fully recharge in any given year and thus water that is truly available for withdrawal, without adversely affecting either resources or the structure of the aquifer will vary significantly over a several year span.

On the other hand, water demand for a given level of existing development will remain constant from year to year. If that level of development requires an “average” year to be adequately served, it is easily predictable that there will often be years where the water supply will be inadequate, even with aggressive water conservation programs. This scenario is not theoretical but is played out with some frequency in Cambria and San Simeon Acres, both of which rely on small coastal streams similar to Arroyo de la Cruz. Based on the accumulation of knowledge on these aquifers gained over the last fifteen-twenty years through experience and more sophisticated modeling, it is clear that the determination of what constitutes a “safe yield” for a year to year reliable water source from Arroyo de la Cruz cannot be stated with certainty and must be revisited.

The Hearst Ranch draws water from Arroyo de la Cruz and its tributary springs (Phelan and Chisolm Springs) to serve the needs of the current ranching operation. Hearst also has permits from the SWQCB for withdrawals in anticipation of the future construction of the proposed Hearst Resorts. Existing permits are summarized as follows:

- 1. Application 20026A:** Hearst Corporation has a license to take water from Chisolm

and Phelan Springs in the following amounts:

- (a) .06 CFS/Year for domestic and stockwatering purposes from April 1 to October 31
- (b) .21 CFS/Year for irrigation from April 1 to October 31
- (c) 70 AF, maximum withdrawal annually
- (d) 27 acres, maximum area irrigated

- 2. Application 25881:** Hearst Corporation has a permit for Arroyo de la Cruz underflow. A “permit” means approval for the withdrawal has been granted, but either the underlying project has not been completed or the full amount of water has not been taken (or both situations). This particular permit was scheduled to expire in December 1995 if construction was not completed and in December 1997 if water was not taken. In response to an extension request, the State Water Resources Control Board extended this permit to expire in December 2006 (construction) and December 2008 (water use).

A public trust complaint against this application has recently been lodged with the State Water Resources Control Board by the Environmental Defense Center on behalf of Friends of the Ranchland. The complaint alleges that the Hearst Corp. is in violation of several of the conditions attached to this permit.

- 3. Application 27126:** Hearst Corporation has a 1995 permit (expires in 1998) to withdraw the following additional amounts from Chisolm and Phelan Springs.
- (a) .24 CFS/year for stock, irrigation and domestic use from November 1 to March 31
  - (b) 72 AF maximum
  - (c) 35 acres, maximum area irrigated
  - (d) water may be used to supply 49 AF reservoir
- 4. Application 27212:** Hearst Corporation was granted a permit in March 1997 (expires December 31, 2006) to withdraw the following amounts of water from Phelan and Chisolm Springs:
- (a) .07 CFS/Year for domestic and stock-watering uses (domestic use is for Hearst Castle, Hearst Castle Staging Area, Ranch Headquarters and village of San Simeon) from December through April
  - (b) .34 CFS/Year for irrigation from December through March
  - (c) .65 AF maximum withdrawal annually
  - (d) 46 acres, maximum area irrigated

Water allocated under this permit can only be taken from the springs when there is visible surface flow for 100 yards down stream from Phelan Springs.

Permit 25881 allows for 1607 AF withdrawal per year from Arroyo de la Cruz. Municipal uses are entitled to 25% of the total or 401 AF per year. The remaining 75% (1206 AF) is for irrigation use. Maximum area to be irrigated is 300 acres. The permit includes a variety

of other conditions which could serve to reduce the 1607 AF allocation and protect coastal resources. (Please note conditions 6, 12, 18, 19, 20, 23, 28, 29). Condition 16 of the permit also requires the applicant to undertake a monitoring program as follows:

*16. The Permittee shall conduct the Monitoring Program as described in Appendix 5, beginning at page 332, of Appendix I, Comments and Responses to the State Environmental Impact Report, Hearst Ranch Visitor Services Development Plan, Water Supply Project. The program report shall (1) analyze the previous year; (2) project water withdrawal during the forthcoming year as a result of further development; (3) project water withdrawal effects assuming (a) an average flow year and (b) the 1976 and 1977 drought years, and (c) those droughts years of historical record which are deemed appropriate at the time of the analysis, and compare the anticipated effects to the conclusions of the Staged EIR; (4) proposed additional monitoring or scientific studies of the hydrology or biological resources which would be appropriate given the projected hydrological effects of the projected pumping; and (5) propose mitigation measures in response to the effects of project pumping on underflow water and the surface flow. The Board reserves jurisdiction to require Permittee to initiate additional scientific studies and monitoring programs and enact specific mitigation measures for the protection of the fisheries, riparian vegetation, or other biological resources dependent on the waters of the Arroyo de la Cruz. Such studies and monitoring programs shall meet the specifications of the Board.*

*17. The Monitoring Program as described in Term 16 shall be conducted until the Permittee is instructed by the Board to discontinue the Monitoring Program.*

The applicant is required by the terms of the permit to develop a water conservation program (Condition 14) and maintain all gauges and measurement devices described in the permit (Condition 21).

Finally, the permit provides an estimate of water use for the various resorts as follows:

1. The Staging Area Development	82 AF
2. San Simeon Village Commercial	11 AF
3. San Simeon Village Resort and Golf Course	613 AF
4. Pine Forest Resort and Golf Course <sup>20</sup>	703 AF
5. San Carpoforo Point Resort <sup>21</sup>	178 AF
TOTAL:	1587 AF

Development based on this permit from the State Water Resources Control Board would seem to raise some rather basic questions and appears premature. The major discrepancy between even the estimated safe yield of 430 AF, from Arroyo de la Cruz and the proposed allocation of 1607 AF from that stream by this permit alone is certainly an issue. Moreover, with the acknowledgement that the current proposal for the Hearst Resorts will not require as much water as itemized in the 1982 SWRCB decision, major concerns are still raised by the permit. For example, the permit requirement that only 25% of the 1607 AF can be allotted to municipal use seems thwarted by Condition 19 which contemplates

1587 AF -- or virtually all of the allocation -- going to what is generally considered a “municipal” use -- that is, urban level development. Furthermore, the allocation of 75% of the permitted withdrawal for “irrigation” could mean the water must be used for typical agricultural irrigation of crops, or, because it is not clear in the permit, it could stretch the meaning to include watering the golf course and resort landscaping.

Another issue of concern is the content of the information gathered over the last fourteen years in the monitoring reports required by condition 16 of the permit. A review of the reports reveals they offer primarily uninterpreted, raw data regarding water flows past identified stream gauges. This data could have potential value in understanding water supply capabilities but is flawed by the fact that various measuring gauges were broken at frequent intervals over the years. Moreover, the reports are of virtually no value regarding the minimum flows needed to support riparian/wetland species.

In response to an inquiry from the Environmental Defense Center regarding these reports, staff of the SWRCB offered the following comments:

*We also discussed the quality of the data. The surface flow gages don't seem to be too reliable. Damage appears to be repaired very slowly and the information in the files indicates that these are relatively poor quality gages due to highly unstable “controls”. Even though the Lagoon gage was providing suspect data for several years, no changes were made until complete failure occurred. Well data is not complete. A recent report indicates that notable storms occurred in the middle of May which denied access to some of the wells during the spring. This indicates that the data collectors were not extremely motivated to obtain the data. Also, collecting data from or adjacent to operational wells may provide faulty data. Drawdown due to recent pumping could skew the data considerably; especially if the fact that the wells were recently pumped is not known to the data collector.*

*Brian asked if we would be willing to provide the data or compilations of the data to the Coastal Commission. I stated that we try to cooperate with other State agencies as much as possible. However, we have serious shortages of available staff and no one has really been working on this project for many years. Consequently, unless there is a pressing need for staff to prepare compilations for inhouse use, we might let the Coastal Commission pay for copying by an outside source or let their staff go through the files.*

*Brian stated that a recent document indicated safe yield from the stream to be about 400 afa. He wasn't sure who prepared the document or exactly what type of document is involved although he thought it was related to an environmental review document; possibly for a staged document. I indicated that I would be surprised if there was enough information in the monitoring reports to reach this conclusion. This could mean that additional data has been collected by someone but not submitted to the SWRCB. (Please see Exhibit 10 for full text.)*

## **Water Planning Standards for the North Coast**

Planning standards for the North Coast rural lands are found in Chapter 7 of the North Coast update. General standards for all rural lands include the following requirements: (1)

Proposed tourist-recreation projects, detailed studies of water availability and use, as well as assessments of water withdrawal impacts on fish and wildlife. (Standard #24 pg. 7-09); and (2) New non-agricultural development proposals shall demonstrate that there is sufficient water availability for both domestic use and fire suppression prior to issuance of a land use permit. (pg. 7-10, Standard #25)

Arroyo de la Cruz also has a specific prohibition on development except for water diversion projects, wildlife and natural resource protection, coastal accessways, water wells and impoundments, and agriculturally related uses. In addition, no development or other activities shall be allowed if significant unavoidable adverse impacts on the natural resources will result. (pg. 7-11, Standard #9)

The NCAP update also includes specific water standards for the Hearst Resort development. First, the phasing plan for Hearst must insure that water is available (pg. 7-16, Standard #2C). Second, each phase of development has certain requirements. These include: a review to determine adequacy of services, including impacts on local water supplies; and to determine impacts (both individually and cumulatively) on coastal resources, including fish and wildlife resources and plant communities. These reviews must also include an analysis of impacts on coastal resources generated by water withdrawals from the Arroyo de la Cruz or San Carpoforo watersheds including the preparation of a hydrological monitoring program which projects the availability of water for out-of-stream uses consistent with the protection of in-stream uses such as anadromous fish; an analysis of the effect of the water extraction on the biological resources which are dependent on the waters of Arroyo de la Cruz Creek (or San Carpoforo Creek if this creek or its groundwater basin is used as a water source) (7-16, Standard 3A-B).

The NCAP also requires that these water reviews be conducted by a qualified aquatic biologist, and include examination of the stream and (lagoon) habitat characteristics, the biological and coastal resources dependent of the creek and lagoon (e.g., anadromous fish, including spawning and rearing areas, migration corridors; pool and riffles; water quality and flow in conjunction with the hydrological monitoring program; population characteristics and levels of smolt and adults) and hatching requirements for anadromous fish. Any approval of water utilizing development on the Hearst Ranch must also be based on a finding that such development will not result in water extractions which will adversely impact recognized instream beneficial uses, or that such impacts can and shall be effectively mitigated.

Third, the NCAP encourages water reclamation to reduce total water consumption, but also allows the State Water Resources Control Board to be petitioned to adjust the maximum amount of water which may be extracted from the Arroyo de la Cruz watershed to a level consistent with the amount necessary to service the level and type of development permitted for the Hearst Ranch holdings. Finally, Hearst Ranch development proposals are to include the provision of organized services, of which the most critical are water supply, sewage disposal, and solid waste disposal.

The update plan also includes “programs” relevant to water use and water supply for the Hearst Resorts. Again, programs are not mandatory and, according to the plan, are implemented only on consideration of community needs, community support and cost (pg.

3-39). Programs related to water include a call for more detailed studies of the groundwater basins on Hearst Ranch to determine safe yields for proposed tourist recreation developments; and a program to explore possibilities for using treated wastewater from sewage treatment plants for park irrigation or golf courses. (3-40)

### **Conformance with Coastal Act**

As discussed in Issue 1 of this finding, the general location of the proposed Hearst Resorts development is problematic under Coastal Act section 30250. However, section 30250 also requires that essential public services must be available to support development without adversely affecting coastal natural resources. It is entirely unclear at this time how much water can be reliably produced to serve any significant amount of visitor serving development on the Hearst Ranch. It is also unknown what effects a given level of water production from any of the North Coast streams likely to be used would have on habitat values. Mandatory standards therefore, are needed that clearly state that any quantified amount of development represents an absolute maximum that may be reduced substantially or denied altogether based on service capacity and adverse impacts on coastal resources (see Suggested Modification 79).

At the same time, the intensity of proposed development must also be more sharply defined. Currently, the proposed update allows a great variety of accessory and other uses in addition to the overnight accommodations. Better definition of the size and number of these uses relative to the size and number of hotel units must be included in the plan. The Commission's recent adopted findings for the Marina Dunes Resort plainly address the need for specificity in this area. For example, hotel units of 1200 square feet in size and "accessory" facilities which consume more square footage than the overnight accommodations would have significantly greater service needs than a smaller facility of the same gross number of units. It is therefore necessary to define what the baseline is for a unit and what the ratio of accessory uses to units would be to avoid an intensity that effectively goes beyond even the maximum permitted by the plan. (see Suggested Modification 97(2B)).

For the number of visitors accommodated (a maximum of 165 per day on average)<sup>22</sup>, golf courses use a significant amount of water per capita. Although the Hearst E.I.R. quotes a significantly greater water use for their proposed golf course,  $\pm 500$  AF, typical coastal golf courses require 240 AF of water in a dry year ( $\pm 190$  AF in a normal year). When, as in the case of the North Coast, a needed service such as water, is scarce, its use should be carefully husbanded to provide for Coastal Act priority uses which serve a broader spectrum of visitors such as overnight accommodations, restaurants, etc. Therefore, the golf course must be eliminated to find consistency with Coastal Act policies (see Suggested Modification 97).

In addition, as discussed in the agricultural findings, the proposed amendment also allocates a greater amount of land area to the Hearst Resorts -- seventy acres of agricultural land would be redesignated to Commercial Recreation and Recreational Use. Furthermore, the Hearst Corporation is encouraged to request an amendment for additional amounts of agricultural land -- up to 300 acres -- for the golf course. Aside from the fact that no findings have been made by the County to support this conversion of

agricultural land, the uncertainties of water availability to support existing planned development surely preclude any additional increase in area or new water intensive uses at this time. Therefore, it is recommended that these provisions in the plan (pages 4-11 and 4-14), be deleted. (See Suggested Modifications 10 and 14.)

Standard 3F on page 7-17 also requires the development of employee housing to serve the Hearst Resorts. This housing may be provided on the site of the resorts or elsewhere in other “appropriately designated” areas. The amount of employee housing required to support the resorts could be significant and require substantial amounts of water. It is, therefore, important to identify where this new development would be located to ensure consistency with Coastal Act policies relevant to new, intensive development. Please see Suggested Modification 89 which defines the maximum number of units for San Simeon and directs this development to be located on the resort site or in existing urban areas.

Finally, as discussed earlier in this finding, the issue of the safe yield of Arroyo de la Cruz to support the proposed level of development on the Hearst Ranch is still unresolved. An instream flow management study, undertaken by qualified professionals over an appropriate time period is required before it can be determined what level of resort development can be served by water from this creek consistent with the development and habitat protection policies of the Coastal Act (30250, 30240, 30231). Although the North Coast Plan includes standards directed towards gaining a better understanding of the creek, they fall short because (1) they allow development to proceed before the studies are finished (3c pg. 7-16); (2) do not adequately define study parameters (3c); (3) appear to rely in part on an on-going study that, thus far, has provided little useable information (3A, pg. 7-16) and do not relate the findings of the study to approval of a project. In order to be consistent with Section 30250, which requires that services be available for new development, and with Sections 30251 and 30240, which require the protection of sensitive habitats. These standards must be revised to result in a study that will more accurately define impacts on coastal resources that can be used as criteria to determine the appropriate level of resort development. (Please see Suggested Modifications 67, 72, 83, 84, 85, 86, 87).

### **Rural Area Other Than the Hearst Ranch**

Neither the existing certified North Coast LUP or the proposed update provide for any other nodes of new, intensive visitor serving or other non-agricultural development in the remainder of the rural area. Continued water supply for Hearst Castle and staging area should however be discussed. This popular visitor destination is owned and operated by the State Department of Parks and Recreation as a result of a gift from the Hearst family. In the recent past, annual visitor counts of one million people have been reached. More recent visitation has diminished somewhat, but the state monument still attracts upwards of 700,000 people a year. Water for the Castle and Staging Area is supplied from Phelan and Chisolm Springs- tributaries of Arroyo de la Cruz (Water Permit 27212 and 10924B). License 10924B allocates 60 AF of water to Department of Parks and Recreation and an unknown share of the 65 AF under Permit 27212.

The proposed North Coast update requires the preparation of a State Parks General Plan if substantial new development is contemplated (7-39, Standard 14). Standard 14B and G



require that the plan adequately address infrastructure needs as follows:

*B. Infrastructure. Plans for utility service, including water supply, sewage disposal, and other infrastructure, showing sufficient ability to serve the anticipated number of visitors and other needs of the facility.*

*G. Mitigation of impacts from the facility. Full mitigation of environmental impacts from traffic, air quality, water use, sewage disposal, and visual impacts on Highway One is required.*

Planning standard 15 (pg. 7-40) also requires the Department of Parks and Recreation to coordinate their new development with the Hearst Resort proposed for the Staging Area.

In order to maintain consistency with Coastal Act policies that require new development to be limited to that which can be adequately served with essential services without damaging coastal resources., Standard 14B must be revised to ensure that the impacts of additional water withdrawals will not adversely affect riparian and wetland resources (see Suggested Modification 101).

As mentioned earlier, Standard 24 (7-9) provides for studies of water availability for tourist facilities such as the Hearst Resorts. The standard does not however relate the findings of the studies to the approvability of the project. In order for new development to be consistent with Coastal Act Section 30250, it must be able to adequately be served by appropriate infrastructure and not adversely affect coastal resources. Standard 24 must, therefore, be revised to state that development will be limited, or denied, based on the results of these studies (see Suggested Modification 63).

Similarly, Standard 25 (7-10) requires that, prior to the issuance of a land use permit, new, non-agricultural development must demonstrate an adequate water supply. Water supply, consistent with the protection of coastal resources, is a critical component of any development and should be ascertained prior to approval of a project so that public comments and appropriate conditions can be factored into the final, approved project. (Please see Suggested Modification 64.)

Finally, Standard 9 (pg. 7-11) provides general criteria for development, including water wells and diversions, on or near Arroyo de la Cruz. The standard states that development must not result in significant, adverse impacts on natural resources. In order to maintain consistency with Coastal Act requirements to protect agriculture (Sections 30240 and 30241), the standard must be revised to state that development (water wells) which serve non-agricultural uses also must not adversely affect agricultural productivity (see Suggested Modification 72).

## **4. Roads and Circulation**

Road access into the Planning area is limited to Highway One and Highway 46. Highway One provides the only through, north-south coastal route between the Monterey Peninsula and Morro Bay. Highway 46 connects the North Coast with the inland portion of San Luis Obispo County. Both the town of Cambria and the village of San Simeon Acres are

bisected by Highway One and it is used extensively for local circulation as well as an increasingly popular visitor route.

The following sections of this finding discuss the effects of the proposed amendment on circulation, analyze those effects relative to the controlling Coastal Act policies and suggest modifications to the plan as appropriate.

### Highway One

Highway One runs the entire length of the planning area and, outside of Cambria is generally a two lane road. The current Level of Service<sup>23</sup> (LOS) between the southern boundary of the planning area and the entrance to Hearst Castle is LOS D. This level of service is considered “marginally acceptable and maneuverability and speed selection is restricted for most drivers.” The E.I.R. prepared for the North Coast update states that a LOS of C or better is considered acceptable (pg. 5-1-3). The North Coast update does not identify a specific LOS as being acceptable, but it can be inferred from the discussion on page 5-4 that a LOS of D is probably adequate while a LOS of F is clearly not acceptable. The acceptability of LOS E is unknown. Projections in the plan indicate that levels of service between Cayucos and Hearst Castle will deteriorate to LOS D and F at buildout. These figures assume a 140% increase in traffic volumes at buildout between Cayucos and Cambria. Cambria, however, is only about 25% built-out, it can be expected to expand four times by build-out unless a way can be found to reduce the number of existing, vacant lots. The projected traffic volumes may, therefore, be rather low. Similarly, the traffic volumes between Cambria and Hearst Castle may also be understated. The plan projects a doubling of traffic (1000 more trips) but a review of the traffic estimates for the Hearst Resorts alone suggest a rather low estimate of 370 to 1102 trips<sup>24</sup>, development of rural land between Cambria and Hearst Castle can also be expected to add trips to this section of Highway One. Finally, San Simeon Acres is only ±54 built-out and will generate additional traffic volumes.

Understated or not, it is clear that given the current planning scenarios, traffic volumes on Highway between Cayucos and Hearst Castle can be expected to increase to Levels of Service which are generally thought to be unacceptable. Levels of Service between Hearst Castle and the County line in Big Sur are however projected to be maintained at LOS C. Highway One is also prone to operational problems along its route, particularly north of Hearst Castle. An eroding shoreline threatens sections of the road between Piedras Blancas and Arroyo de la Cruz. Narrow lanes, sharp curves and the absence of shoulder parking have caused safety problems. The resurgence of elephant seal populations has also added a new peril for drivers. These issues and suggested revisions to address them are more thoroughly discussed in the Findings for Hazards and Environmentally Sensitive Habitats.

The North Coast update contains several goals related to Highway One, including managing diminishing resources such as traffic capacity; ensuring that development demands will not exceed existing and planned capacities; and locating new public service facilities as close as possible to the users. Along with the other goals of the NCAP, these goals are considered criteria for consideration when new development is proposed (pg. 1-6).

The Circulation Chapter of the plan also provides non-mandatory recommendations for improvement to Highway One. First, the NCAP defines “Principal Arterial Highways” as freeways and State Highways, such as Highways 1 and 46 in the North Coast Planning Area (pg. 5-10). At the same time, because Highway One carries substantial local traffic, “the installation of passing lanes, where possible, is recommended in the North Coast Circulation Plan.” (5-10)

The most important programmatic statements in the NCAP for Highway One concern exceptions to the policy to maintain the Highway as a two-lane road in the rural areas of the North Coast. As amended by the County, the NCAP calls for further studies of Highway One use patterns, as a basis for appropriating fair shares of assessments to fund improvements, or other programs that will offset the impact on the highway (p. 5-14, 3A). The improvements contemplated include:

- (1) Two passing lanes, one northbound, one southbound from Cayucos to Cambria; and possibly full left and right turn channelization of San Geronimo Road, Villa Creek Road, and Harmony Valley Road (5-14, 3B);
- (2) Signalization and channelization of the southerly section of Main Street - Ardath Drive, and Cambria Drive intersections in Cambria (5-14, 3C);
- (3) Two passing lanes, one northbound, one southbound; and full left and right turn channelization of major local road intersections such as at Vista Del Mar and Pico Avenue in San Simeon Acres between Cambria and Hearst Castle Staging Area (5-14, 3D);
- (4) Developing paved turnouts; and improving shoulders to provide paved area usable as a Class II Bike Lane north of Hearst Castle Staging Area (5-4,3E); and
- (5) Developing transit opportunities such as bus service between Hearst castle and motel areas in San Simeon/Cambria, and Cambria's downtown (5-14, 3F).

The NCAP does limit the expansion of Highway One in Cambria until traffic levels warrant the installation of passing lanes, and until other management methods are found not to be feasible or effective (5-16).

Finally, the NCAP includes a program to consider a safer and more convenient pedestrian crossing to link residential and motel areas east of the highway with the beach areas in San Simeon Acres. This may include channelization for left turn lanes and also a street light on Highway One to stop high-speed traffic (5-17).

The NCAP Update also modifies the mandatory planning standards for Highway One. A new areawide standard addresses traffic mitigation and requires that development plan and subdivision proposals be reviewed to determine the adequacy of services, including the impacts on the carrying capacity of Highway One. It further states that inadequate road capacity may be grounds for denial unless adequate mitigation measures are incorporated. Increasing traffic levels to an extent that is found to detract from the rural, scenic nature of Highway One shall not be permitted (7-4, #5).

The standards for Hearst Resort development are also updated. Similar to the assessment required for water supply, the phasing of Hearst development must “Time phases to

correspond to transit improvements and traffic capacity planned for Highway One and other affected roads;” and (7-15, 2A) “Insure that ... traffic capacity or transit system alternatives and safety improvements are in place (7-15, 2C).” Each phase must also be reviewed to determine adequacy of services, including impacts on the carrying capacity of Highway 1. And although inadequate road capacity may be grounds for denial, the County has removed a prohibition on increasing the number of traffic lanes or the placement of full stop signals on Highway 1. Finally, the NCAP requires appropriate participation, including funding for mitigation of traffic impacts on Highway One and other areas affected by Hearst development. (7-19, 3K)

With respect to other development proposed in the North Coast, the NCAP includes a Standard requiring State Parks to plan for infrastructure and mitigate any traffic impact, including controlling ticket sales at Hearst Castle to encourage more visitors during the off season. (7-39, 14B; 7-40, 14E,F,G). It also requires development proposals for the East-West Ranch to be reviewed to determine the adequacy of services including the impacts on carrying capacity of Highway One. Similar to Hearst Resorts, inadequate road capacity may be grounds for denial unless mitigation measures are incorporated to ensure that adequate capacity can be provided (7-67, #23). Discretionary projects must be reviewed to determine the adequacy of services including the impacts on carrying capacity of Highway One (7-114, #4).

### ***Conformance with Coastal Act***

Coastal Act Section 30254 requires that Highway One be maintained as a scenic, two lane road in rural areas. With the exception of Cambria and San Simeon Acres, all of the North Coast planning area is rural. The proposed amendment, however, clearly provides for the expansion of Highway One from a two lane road to a four lane road from Cayucos to Hearst Castle. Planning program 5-10 redesignates Highway One from an arterial road to a principal arterial -- principal arterials are defined as freeways. Freeways are typically four lanes or more. Various programs recommend the installation of passing lanes where possible through Cambria (5-10) and contemplate additional lanes near the Hearst Resorts (5-14, 3). Programs 3A and 3B provide for north and southbound passing lanes between Cayucos and Cambria and Cambria and Hearst Castle (4 lanes -- one northbound travel lane, one northbound “passing lane”, one southbound travel lane, one southbound “passing” lane.) It may be argued that the occasional passing lane could be found consistent with the spirit at least of Section 30254. However, as articulated in the North Coast Plan, the “passing” lanes could be continuous, thus defeating the purpose of the Coastal Act policy. If the Programs were revised to limit the location and number or total length of the three or four lane portion of the Highway, then these provisions could be found consistent with Section 30254 to an insignificant expansion. Suggested Modifications 25, 33, and 34, therefore, limit the use of passing lanes to no more than 10% of the total length of the existing rural segments of Highway One This is comparable to other rural coastline in California, such as the San Mateo Coast and northern Santa Cruz County.

Likewise, Planning Standard 2A (7-15), must be modified to clearly state that additional

lanes on Highway One will not be permitted as mitigation for the traffic impacts of new development. (See Suggested Modification 81.)

The Coastal Act also requires that new development must be able to be adequately supported by essential services, including roads. Although the Plan includes standards for the Hearst Resorts, East-West Ranch and San Simeon Acres that state that development can be denied if there is inadequate road capacity, it does not define what constitutes inadequate road capacity. The LOS system is a well accepted formula for determining adequate levels of road service. Levels of Service A through C are considered acceptable. LOS D is marginally acceptable. LOS E and F are generally considered unacceptable. In order to provide greater certainty in the review of development proposals and ensure that the requirements of Section 30250 of the Coastal Act are met, an acceptable Service Level must be identified. A service level of D is acceptable between Cayucos and the Hearst Castle Staging Area because, although it is a scenic drive, this portion of the road is inland and is the primary access route for Castle visitors and residents of the North Coast from inland San Luis Obispo County. The portion of Highway One which leads north to Big Sur from Hearst Castle offers almost continuous views of the sea and as it continues through to the Monterey Peninsula, this drive is seen by many to be a recreational activity in itself. The Big Sur LCP, in recognition of the recreational value of the drive, requires that an LOS of C shall be maintained. The same LOS for the remainder of this highly scenic route in northern San Luis Obispo County is, therefore, also appropriate. (See Suggested Modifications 52 and 81 which add such a planning standard).

### **Cambria Internal Circulation**

Traffic on the streets and roads in Cambria, especially Main Street, is frequently congested, particularly in the summer. Regardless of the land use designation of a site, approval of any future development must take into account the limitations imposed on development by congested traffic.

As mentioned above, traffic conditions on local streets are a major concern in Cambria. One way of determining traffic conditions is by ranking them according to Level of Service. Level of Service D, which the County has determined is the minimum acceptable LOS for streets and roads in Cambria, is characterized by near-unstable traffic flow where small increases in volume could create substantial delays and where maneuverability and selection of speed are restricted. Although the main roads and streets currently are at or better than the minimum acceptable level established by the County, at buildout unacceptable levels of service will exist. Without road improvements, at buildout, the County projects increased congestion at, for example, Main Street east of Pine Knolls Drive and west of Cambria Drive operating at LOS E.

### ***Conformance with Coastal Act***

The County proposes to mitigate for impacts to traffic from future development by several means, including Transportation Demand Management (TDM) programs and policies intended to reduce travel demands and congestion. These TDM programs and policies include construction of left turn lanes and new streets, use of public transit and other alternative transportation means, locating development so that necessity for travel is

reduced, and requiring developments to mitigate their effects on the transportation system.

The Coastal Act intends that circulation not inhibit coastal access, but also that roads be constructed or expanded only when necessary. New development should maintain and enhance public access to the coast by providing for public transit and nonautomobile circulation (Section 30252) and new roads must be designed and limited to accommodate the needs generated by development that is consistent with the Coastal Act (Section 30254).

The County is proposing all of these kinds of measures. Most of these are consistent with the Coastal Act. The area where inconsistencies occur is in the construction of new streets. The new streets proposed to be constructed to help maintain LOS at acceptable levels are shown on Exhibit #11. They include extension of Piney Way, construction of new Fiscalini Ranch Road and new Creekside Drive, extension of Cambria Drive, extension of Windsor Boulevard, and extension of Tipton Street. Of these, the existing area plan considers only the Fiscalini Ranch Road - Creekside Drive new construction.

### ***Piney Way***

The Piney Way extension would provide another access besides Burton Drive between West Lodge Hill and Main Street. Extending this street would require construction on steep slopes, removal of an unknown number of Monterey pine trees, and a new crossing over Santa Rosa Creek. The Update states that “this is a much longer term alternative, and the need should be fully justified prior to implementation.” This proposed street extension, as a planning issue, is not inappropriate in a land use plan document. However, the premise on which planning for the extension is based is that Cambria will grow by 200 percent at buildout. At the present time and for the foreseeable future, it is unlikely that the community will be able to grow as it has because of the lack of water. It is questionable if this street extension is necessary to serve vague future development. Because of this, the potential impacts from construction on steep slopes and in the pine forest, and because the County itself considers this to be a longer term alternative whose need is not now justified, it is not appropriate at this time to consider this extension in the Update. Development or uses that can be permitted consistent with the Coastal Act are very limited. Therefore, these proposed streets are inconsistent with Coastal Act section 30254. (See Modification 30.)

### ***Fiscalini Ranch Road, Windsor Boulevard, and Creekside Drive***

All three of these proposed streets would be on East - West Ranch property. The Fiscalini Ranch Road would provide a connection between West Lodge Hill and Highway One and potentially West Lodge Hill and Park Hill. The connection with Highway One would traverse steep slopes in view of the highway and could impact recorded archaeological sites. Creekside Drive would connect the East Village at Rodeo Grounds Drive with Highway One, opposite the Fiscalini Ranch Road - Highway One connection. Creekside Drive would be constructed in the Santa Rosa Creek floodplain and would be highly visible from Highway One. Windsor Boulevard extension would connect the existing sections of Windsor Boulevard on West Lodge Hill and Park Hill. Both Fiscalini Ranch Road and the Windsor Boulevard extension would probably be constructed in conjunction with

development of the East - West Ranch. The Windsor Boulevard extension would be relatively straight across the property and would be for emergency access between West Lodge Hill and Park Hill. Fiscalini Ranch Road would be an open through street across the property inland of Windsor Boulevard, but would be more sinuous to follow contours and serve clustered development.

If the West Ranch is developed, a street across the property connecting West Lodge Hill and Park Hill would be appropriate as an additional access route. Existing access roads may be inadequate, depending on the ultimate density of development on the Ranch. The connection with Highway One, though, could have potential significant adverse impacts to archaeological sites and the scenic views of the hillside from Highway One. However, if it is sited and constructed to avoid archaeological sites to the greatest degree feasible and to adequately mitigate for unavoidable impacts to archaeological sites and if it will not detract from the scenic hillside views to the greatest degree feasible, then the connection will be consistent with Coastal Act sections 30244 and 30251, which require protection of visual and archaeological resources. Windsor Road is not as problematic and would be a logical in-road to the West Ranch development. Assessing appropriate design and siting at the development stage, this road is also consistent with the Coastal Act. Therefore, Fiscalini Ranch Road and Windsor Boulevard, as conceptual planning issues, are consistent with Coastal Act sections 30244, 30251 and 30252.

Finally, Creekside Drive would have potential significant adverse impacts to views from Highway One across the floodplain meadows and would be subject to flooding and could exacerbate flooding by further limiting the area over which flood waters could spread. Further, construction of Creekside Drive is, according to the County, a long term, low priority development. As with the Piney Way extension, Creekside Drive would be needed to serve vague future development which is unlikely to materialize in the near future due to lack of water. Therefore, Creekside Drive is inconsistent with Coastal Act sections 30251 and 30253, which requires that hazards, in this case development in a floodplain, be minimized. Such a road would also have negative impacts on the Santa Rosa Creek riparian zone, inconsistent with Section 30240 and 30231. (See Modifications 28 and 29.)

### ***Cambria Drive***

The Update states that “[t]his extension is also located in West Village and is planned to link the west side of Cambria by a fourth access point to Highway One and the downtown areas.” However, this street extension is not shown on the circulation map and the description gives no clear indication of where it would be located. As with the Piney Way extension, there is only vague future development that would necessitate this street. Therefore, the proposed extension is inconsistent with Coastal Act section 30254. (See Modification 28)

### ***Tipton Street***

The proposed Tipton Street extension would enter the West portion of the East - West Ranch at its southerly boundary. This would provide a second open access into the Ranch from the south. The Update states that “Extension of this street into The Ranch is not

anticipated at this time.” Since it is not anticipated at this time, there is no reason for it to be included in the Update. No planning purposes or issues are furthered by including this in the Update. The extension of this street during the 20 year lifetime of the Update is highly unlikely. Even if the Ranch is developed to the maximum proposed there would be no need for this extension. Therefore the proposed Tipton Street extension is inconsistent with Coastal Act section 30254, and should be removed from the NCAP. (See Modification 28)

## **5. Wastewater Treatment**

The two principal issues presented by the North Coast Plan relevant to sewage disposal are the provision of adequate capacity to serve the urban areas of Cambria and San Simeon Acres and the method of serving the proposed Hearst Resorts. The following sections of this finding discuss each of these issues in turn.

### **Urban Areas**

CAMBRIA: Cambria is served by a one million gallon per day (1 MGD) sewage treatment plant operated by the Cambria Community Services District (CCSD). The plant is currently running at about 50% of its capacity, treating ±490,000 gpd of sewage. Wastewater from the treatment plant is discharged through a spray irrigation system and surface discharge into ponds located near the mouth of Van Gordon Creek. The sludge is spread on fields located on the CT Ranch north of Cambria. A condition attached by the Coastal Commission to the 1977 permit for the new plant reserves 200,000 gallons a day of capacity for Coastal Act priority issues and limits residential hook-ups to 125 per year. The existing 1 MGD plant will not be able to serve build-out of the plan. A 2.2 MGD plant will be needed. The Resource Management System projects that the current plant can accommodate Cambria’s growth until 2022. It thus appears that there is sufficient capacity for the twenty year duration of the North Coast Plan.

The primary issue associated with the Sewage Treatment System for Cambria is not therefore related to capacity but more towards the environmental effects of the method of discharging the treated wastewater. This issue is discussed in the finding on Environmentally Sensitive Habitats.

SAN SIMEON ACRES: San Simeon Acres is served by a 200,000 gpd plant located near the shoreline in the southern part of the village. The site is presently designated for multi-family development but the proposed update recommends changing that to a more appropriate, Public Facilities designation. The plant is operated by the San Simeon Community Services District (SSCSD) which provides wastewater treatment to the small town of San Simeon Acres and to the Department of Parks and Recreation facility at Hearst Castle. State Parks is entitled to 50,000 gpd of the plant’s capacity and is currently using 15,000 gpd. Existing development in San Simeon Acres uses ±65,000 gpd capacity



for a total average use of 80,000 gpd<sup>25</sup>. Wastewater is discharged from an ocean outfall near the treatment plant.

The North Coast LUP states that the SSCSD treatment plant will have to be expanded to 300,000 gallons per day capacity to serve build-out of San Simeon Acres and maintain the 50,000 gpd reservation for State Parks use at Hearst Castle and the Visitor Center at the castle Staging Area. Discussions with Department of Parks and Recreation staff<sup>26</sup> indicate that the 50,000 gpd reservation will be sufficient for their needs well into the foreseeable future as all major development projects have been completed for this facility. A review of current use figures for San Simeon Acres, presently about 50% built out, shows average 65,000 gpd. The average dry weather flows (June-October) coincide with peak use because this is the time period most popular with visitors to the area and thus the period of highest occupancy and use of San Simeon Acres extensive visitor accommodation facilities. If the present demand at 50% built-out is 73,000 gpd, then it would seem that only another  $\pm 75,000$  gpd would be needed for a total of a 180,000 gpd plant (50,000 gpd for Department of Parks and Recreation, 65,000 for existing uses, 65,000 for planned, but yet unbuilt development --  $\pm 180,000$  gpd). Sewage Treatment plants are, however, ordinarily built with slightly greater capacity than is anticipated to provide a safety cushion in the event of malfunction and to accommodate normal maintenance. Also, if occupancy rates increase for motels in San Simeon Acres flow rates could increase. The Regional Water Quality Control Board regulates the operation of Sewage Treatment Plants and usually requires a moratoria on new hook-ups when a plant reaches 80-85% of its rated capacity. Adding this safety factor into the final plant size would, then, result in the need for at least  $\pm 225,000$  gpd plant.

In order to maintain consistency with Coastal Act Section 30254, which limits public works to the size needed to accommodate planned development, the text of page 3-37 must be revised and a new planning standard for San Simeon Acres must be added to limit plant capacity accordingly. (See Suggested Modification 8.)

The text on page 3-37 also suggests that the District's service area may be expanded beyond its present boundaries to serve land in "the immediate vicinity." Depending on the definition of "immediate vicinity", this statement could mean that the proposed Hearst Resorts could be annexed to the District. Given the uncertainties regarding the final sizing of these developments and the lack of analysis of the effects of extending urban services into rural areas, it is inconsistent with Coastal Act Policies to allow extension of urban services outside existing urban boundaries. The text must therefore be revised to more clearly identify the service area for San Simeon Community Service District and a planning standard added to maintain current District boundaries. (see Suggested Modification 9.)

Finally, the Coastal Act requires that Coastal Act priority uses -- visitor-serving and recreation -- shall not be precluded by limited infrastructure. Although it appears that sewage capacity is reasonably available for most of plan build-out, the North Coast update includes several standards to reserve capacity for priority uses. In particular, the San Simeon Acres Community Services District (SSACSD) must reserve 75% of available water and sewer capacity for visitor serving uses, and 25% for affordable housing, although if consistent with other permits, this 25% may be taken from the Visitor Serving category (p. 7-113, #1).

Even with the potential to divert some of the reserved water to affordable housing, much of the potential buildout in San Simeon Acres is already available for visitor-serving uses. In addition, there is not a real sewage capacity problem here at this time. Finally, given the current development moratoria on the basis of lack of water, little development is anticipated in the near future. Therefore, the NCAP policies maintain consistency with Coastal Act Section 30250.

**Rural Areas/Hearst Resorts**

Planned densities for the rural portion of the North Coast are, with the exception of the Hearst Resorts, so low that any needed wastewater treatment can be achieved on site by septic systems. This section of the Finding will therefore focus on wastewater treatment and disposal for the planned development at the Staging Area, San Simeon and the Pine Forest resorts.

As discussed earlier, the North Coast Plan provides for a substantial amount of intensive visitor serving, recreational and residential (employee housing) at three rural locations on the Hearst Ranch. None of these sites are presently within any public service district that provides wastewater treatment and disposal. The North Coast update does not discuss sewage generation that would be anticipated by this level of development nor does it provide any explicit policy direction on how to accommodate it.

The E.I.R. prepared in 1982 by Envicom Corporation to support the water supply project on Arroyo de la Cruz before the State Water Quality Control Board (Water permit application #25881) does, however, include a discussion on anticipated wastewater treatment needs and potential methods of treatment and disposal.

Table 12, on page 97 of the E.I.R. depicts estimated wastewater flows for the projects as proposed in 1982. Adjusting the figures for some of the development currently proposed in the North Coast update, a total flow of 157,000 gpd would be required as shown on the following table.

**TABLE 4. ADJUSTED ESTIMATED WASTEWATER FLOWS<sup>27</sup>**

<b>LOCATION/TYPE</b>	<b>SIZE</b>	<b>GENERATION RATE</b>	<b>USE AT 100%</b>
<b>1. <u>Staging Area</u></b>			
a) Motel	150 units	180 gpd per unit	27,000 gpd
b) Restaurant	250 seat	32 gpd per seat	8,000 gpd
c) Commercial	10,000 sq. ft.		650 gpd
d) Day Use	200 people	7 gpd per person	1,400 gpd
e) Youth Hostel	100 units or 50 site camping	(no figure given in EIR)	
			37,050 gpd
<b>2. <u>San Simeon Village -- Resort</u></b>			
a) Hotel	250 units	180 gpd per unit	47,000 gpd

b) Restaurant	150 seat	32 gpd per seat	4,800 gpd
			49,800 gpd
<b>3. <u>San Simeon Village - Commercial</u></b>			
a) Hotel	50 units	180 gpd per unit	9,000 gpd
b) Commercial	10,000 sq. ft.	650 gpd	
c) Day Use	1,000 people/day	7 gpd per seat	7,000 gpd
Recreation			
			16,650 gpd
<b>4. <u>Pine Forest</u></b>			
a) Hotel	250 units	180 gpd per unit	45,000 gpd
b) Restaurant	250 seat	32 gpd per seat	8,000 gpd
			53,000 gpd

**Total Sewage Generation Based on Development Estimates in the E.I.R. as Specifically Reduced by the North Coast Plan 156,500 gpd**

This figure of ±160,000 gpd should however be considered quite low. It does not reflect any capacity for the youth hostel, campground or employee housing required by the plan, nor does it reflect other uses permitted on these sites (meeting rooms, caretaker units, cultural center, rural recreation, convention facilities, bars, and equestrian centers). In addition, the commercial uses contemplated in the E.I.R. are quite modest. The addition of 100 units of employee housing alone would, for example, add 21,000<sup>28</sup> gallons per day for a total of 180,000 gpd. Reservations of 15-20% of the rated capacity as required by the Regional Water Quality Control Board would bring the plant size to ±207,000 to 221,000 gpd. A Sewage Treatment plant slightly larger than the size of the one currently serving San Simeon Acres would be needed to accommodate this level of development. Any additional development permitted in the plan would of course increase demand.

Although the Coastal Act Section 30250 requires that new development must have access to adequate services -- like wastewater treatment -- the North Coast Plan does not offer a specific strategy for providing this essential support for the Hearst Resorts. The updated plan does however suggest that wastewater disposal services for the resorts may have to be supplied by a public agency:

*Future special districts may be needed to provide services in the planning area. For example, a forest management district is needed to provide local solutions to problems with the Cambria Pine Forest. In addition, proposed resort developments on the Hearst Ranch, may necessitate the provision of water, sewage disposal, fire and police protection, additional schools, and other facilities managed by a public agency. (Standards - Paragraph On 3-4)*

Moreover, Planning Standard 2C (pg. 7-16) simply requires that wastewater systems shall “be in place” to serve the Hearst projects; while Planning Standard 2H (pg. 7-17) requires that development proposals include the “provision of organized services.”

At bottom, there are only two strategies for wastewater treatment and disposal for the

proposed Hearst Resorts development -- treatment at a public plant or construction of an on-site package plant. Both strategies present practical problems and potential conflicts with Coastal Act policies.

Treatment at a public plant, the most convenient being the one located in San Simeon Acres, would require the extension of a sewer line beyond the urban boundary of the village. The extension of urban services into rural areas tends to blur the boundaries between urban and rural areas and thus induce growth that is inconsistent with the protection of coastal resources. Section 30241 for example requires the establishment of stable urban and rural boundaries to protect agricultural land. This section also precludes public service expansion that would impair agricultural viability. Section 30250 requires new, urban level development to locate within areas already served by public services. Visitor serving development may be located outside urban areas, but it must be able to accommodate its own service needs as there are no provisions in the Coastal Act to extend public services for these uses. Finally, Section 30254 limits the expansion of public works to that needed to serve development that is otherwise consistent with the Coastal Act. Clearly, the extension of services through several miles of rural land, much of which is designated for agricultural uses, to serve what will be essentially a new urban area, is inconsistent with these Coastal Act policies.

There is also a practical problem associated with using the plant at San Simeon Acres. According to the North Coast update (pg. 3-37) the ultimate capacity of the plant is limited to 300,000 gpd. The plan states that this amount of capacity is needed to serve build-out of San Simeon Acres and provide service to Hearst Castle. As discussed in an earlier section of this finding, this figure may be somewhat high, by perhaps as much as 50,000 gpd. However, estimated flows from the Hearst Resorts of at least 200,000 gpd could clearly not be accommodated as well. If for example build-out of San Simeon Acres and Hearst Castle require  $\pm 250,000$  gpd sewer capacity and the maximum size plant that could be located on the current SSCSD site is 300,000 gpd, only 50,000 gpd, at most, would be available for the Resorts -- a significant shortfall. A new site would have to be found and the discharge permit for the ocean outfall would have to be amended to allow the greater discharge. The SSCSD outfall is located in the Monterey Bay Sanctuary and increased discharges must also be approved by the Monterey Bay National Marine Sanctuary. Currently, new or increased discharges into the Sanctuary are viewed with caution. (See also ESHA findings.)

The other method of disposing of this amount of sewage is to treat it on-site with a package plant constructed and sized to accommodate only the Hearst Resorts. Package plants are owned and operated by the private developer. Due to operational problems, they are not allowed by all Regional Water Quality Control Boards. The Oakland Board for example does not permit them in the counties subject to their jurisdiction. The San Luis Obispo Board does, however, allow them and thus a package plant is an option for the Hearst Resorts.

Conversations with Hearst Ranch representatives and a review of the 1982 E.I.R. prepared for this development conclude that a package plant is the most likely alternative, as follows:

*The principal alternative for sewage disposal will be on-site treatment, with the effluent being reclaimed for either golf course watering, agricultural irrigation, or both. The sites and characteristics of treatment plants have not been specifically identified, but the applicant states that golf course and/or spray field locations have been planned to minimize any effects of runoff to sensitive riparian or coastal marsh habitats. Sewage disposal will be subject to the requirements of the Regional Water Quality Control Board.<sup>29</sup>*

The technology of package plants -- and indeed all sewage treatment plants -- has greatly improved over the years. Package plants can now produce an effluent that can be used for irrigation of agricultural land. Other improvements are available which dramatically reduce the amount of sludge which must either be spread on land or transported out of the area. Thus the operational requirements of modern plants do not have the adverse impacts on agricultural land that the older style treatment facilities did. This is important in this situation because absent the new technology, acres of agricultural land would have to be taken out of production to provide the spray and sludge fields. It thus appears that a properly designed and operated package plant sited within the allowable development envelope, would be the most appropriate choice to serve allowable development. Plan standards to ensure this are however needed to provide consistency with Coastal Act policies relevant to the protection of agriculture and to adequately size the facility to avoid inappropriate growth. (See Suggested Modification 83.)

## 6. Miscellaneous Land Use Designation Changes

The North Coast update proposes a variety of changes to existing land use designations in both the urban and rural areas. The changes involving the conversion of agricultural lands are discussed in the agricultural findings. This section discusses all other proposed land use designation changes. The County proposes to change the land use designations at 14 urban locations, as follows:

### **Cambria Urban Area** (NCAP Map 8: Cambria, Land Use Categories)

1. Cambria Community Services District: residential to commercial retail.
2. Connelly & Childs: residential and office/professional to commercial retail.
3. Kauffman/Swauger: residential to commercial service.
4. Kreps/Meltzer: commercial retail to residential.
5. Cambria CSD: commercial retail to public facility.
6. Rhoades/Crawford: agriculture to commercial retail (1 acre)
7. Lynch/Strong: residential to recreation.
8. State Parks: open space to recreation.
9. East Ranch Floodplain: commercial retail to recreation and residential to recreation
10. Newman/Londonderry: multi-family residential to single family residential.

11. South Cambria: Residential Suburban to Rural Lands and remove from Urban Rural Line.
12. School Site: open space to residential.
13. Mid-State Bank: recreation to commercial retail and removal of Visitor-Serving designation

### ***San Simeon Acres Urban Area*** (NCAP Map 5: San Simeon, Land Use Categories)

1. San Simeon Community Services District: residential to public facility.

### **Conformance with Coastal Act**

The nature of particular land use designation changes determines which Coastal Act policies are relevant. Appropriate policies are cited in the individual discussions of each proposed change below.

#### ***1. Cambria Community Services District: residential to commercial retail.***

Located in the West Village of Cambria, this vacant 1.4 acre site is currently designated Residential Single Family (RSF). The Cambria Community Services District (CCSD) requested that the County change the land use designation to Commercial Retail (CR) which is consistent with the land use designation of the parcels immediately to the south on the same side of the street. The site is now used as informal parking by the general public when shopping or doing business in the West Village. The site is bounded on the south by vacant commercial land, on the north by vacant residential land, on the east by vacant residential land on steep slopes, and on the west by Main Street and public facilities (Veteran's Hall, Senior Center) on the opposite side of the street.

Any development on the site will add traffic to Main Street and potentially increases the need for parking and/or displace the existing informal parking. The site is subject to flooding and potential geologic hazard from the steep slopes on the easterly part of the site and behind it. The one category in which commercial uses on this site could potentially overburden infrastructure is in traffic generation. The change to commercial retail could, according to the County, result in approximately 12 times as many daily trips as residential uses would generate (1,700 versus 140). As discussed above in the Roads findings, streets in the West Village of Cambria are frequently congested. Highway One is congested through Cambria. Currently, Main Street in front of this site operates at LOS C, while to the east of this site, it is LOS D. According to the EIR for the Update, at buildout, and with mitigations (widening Main Street to three lanes, etc.). Main Street in front of the site would operate at LOS E -- an unacceptable level.

Only about one-third of the site is considered developable by the County and that is in the flood hazard area where development is to be prohibited (see Hazards Findings). Any development on the site, regardless of its land use designation would displace informal parking, require building in the flood hazard area, and be subject to potential geologic hazard from the steep slopes at the rear of the site. Main Street in front of this site is projected to operate at LOS E, an level unacceptable to the County. Because of these constraints, it is not appropriate to change the land use designation on this parcel at this

time (see modification 137). Therefore, the proposed change is inconsistent with Coastal Act sections 30250 and 30253.

**2. Connelly & Childs: Residential and Office/Professional to Commercial Retail.**

This three acre site is located on the south side of Main Street just east of the Cambria Elementary School in the East Village. The topography is flat to gently rolling and slopes from Main Street to Santa Rosa Creek. The easterly one-third is designated Office/Professional; the westerly two-thirds is designated Residential. An 18 unit mobile home park is located on the southern part of the westerly two-thirds. The property owners requested that the County redesignate the entire site to Commercial Retail which would be consistent with the designations across Main Street and along Main Street to the east. The main issues here include future building in a flood hazard area and increasing traffic on Main Street.

As with the previous land use designation request, traffic is a major concern here. The potential daily trips under the existing designation is 835; Commercial Retail use could generate up to 5,167 daily trips. This site is east of the previous site; according to the EIR, after buildout with mitigations, this section of Main Street would operate at LOS D, the minimum acceptable to the County.

In terms of existing patterns of development and location, it makes most sense to change the Office/Professional designation to Commercial Retail. The Multi-Family designation should be retained for the area of the existing mobilehome park. However, residential use other than the mobilehome park should not be allowed, in order to reduce water use and traffic (see modification 128). Therefore, Cambria Commercial Retail Category Standard 1 (7-77) should be modified to not allow additional residential use on the site. With this modification, the change in land use designation will be consistent with Coastal Act sections 30250, 30251, and 30253.

**3. Kauffman/Swauger: Residential to Commercial Service.**

Steep to gently rolling slopes with grassland and Monterey pine forest characterize this vacant 3.85 acre parcel. It is currently designated Residential Suburban, although it is within the Urban Services Line, is across a street from the existing Commercial Service-designated property, and is separated from other residential land by steep, heavily forested slopes. The site is at the intersection of Burton Drive and Village Lane just southeast of the heart of the East Village.

The main issue is the geologic hazard presented by the steep slopes on the rear of the parcel and the potential for increased traffic on Burton Drive and other streets in the vicinity. About 60 percent of the site is covered by a geologic study overlay, recognizing the potential hazard to development below the steep slopes and requiring geologic study before development may be approved. The most level, useable part of the site is across Village Lane from an existing Commercial Service property. The steep slopes adjoin

existing residential uses. Burton Drive, a two-lane collector street, currently operates at LOS D. Although this proposed change would potentially increase traffic generation from an estimated 20 cars under the current designation to an estimated 145 under the proposed designation; Burton Drive is forecast to still operate at LOS D at buildout. Water use could potentially increase from 0.68 acre feet per year to 2.49 acre feet per year. However, the site is not in the flood hazard area, it is adjacent to developed Commercial Service property, and is physically separated from the other residential and use categories by steep slopes. Therefore, the proposed change is consistent with Coastal Act section 30250.

#### **4. Kreps/Meltzer: Commercial Retail to Residential Multi-Family**

Located on MacCleod Way between Wood Drive and Evensong Way on East Lodge Hill, this flat to gently rolling, vacant four acre site is surrounded by residential areas and Highway One. It is currently subdivided into 33 parcels, each approximately 25 feet by 90 feet, and one large common area parcel.

The County identified circulation and traffic as an issue with commercial development. That kind of development could potentially generate about 15,000 trips per day as compared to a little over 700 trips per day for multi-family residential use. Water demand for multi-family residential would be about three and one-half times that of commercial.

Cambria is only about 25% built out; it has about 3,400 dwelling units with a potential of over 11,000. The potential number of multi-family residential units on this four acre site with the proposed change is 104, with a potential of 225 persons. The 340 acre East-West Ranch, as proposed in the Update, has the potential to add up to 325 dwellings (265 on West Ranch + 60 Multi-family units on East Ranch) and well over 500 persons. As discussed earlier in this report, Cambria cannot sustain much, if any, new residential development; additional new lot creation without mitigation to reduce the total number of residential lots in Cambria is not appropriate at this time. However, commercial use of this site is probably not realistic given its location in an otherwise completely residential area, and being less than one-half mile from the commercial core of the East Village.

Given the service and infrastructure constraints in Cambria, perhaps a more suitable residential use of the site would be single family dwellings. In its present configuration, if the designation was single family residential, the site could be developed with 33 units with about 71 persons, compared to 104 units and 225 persons that residential multi-family could potentially allow. Another option would be to change the land use designation to residential single family and encourage the resubdivision of the property. At the minimum parcel size of 6,000 square feet, there would be about 29 lots and 63 persons. Ideally, such a single family residential resubdivision would be accompanied by lot reduction elsewhere on Lodge or Park Hills. However, since lots exist, it is not appropriate to require resubdivision and lot reduction as described above. Nevertheless, because the existing land use designation could result in development very out of character with the surrounding area, change to residential use is appropriate. Further, the proposal should be modified to change to Single Family Residential, not Multi-Family Residential, for the



reasons discussed above. With that modification, the proposal will be consistent with Coastal Act sections 30250, 30251, and 30253. Since the surrounding area is currently Multi-Family Residential, site design should be as consistent with the surrounding area as possible. (see modifications 19, 20, 24, 131, 132, and 137).

**5. Cambria CSD: Commercial Retail to Public Facility**

CCSD currently uses and for many years has used this 1.15 acre parcel for a corporation yard and pumping and water treatment plant. The site is flat to gently sloping and lies along Santa Rosa Creek in the East Village. The site is on the opposite side of the creek from the East Village commercial core, in the floodplain.

Potential flooding and preservation of riparian habitat are the main issues on this site. Although it would be prudent for CCSD to relocate the functions that this site performs to a site out of the floodplain, or at least some distance away from the creek bank to decrease the risk of flood damage to the pumping and water treatment plant, the proposed change simply recognizes the legal, existing use, and, since no new development is expected on the site, the proposed change raises no significant issues with respect to the development policies of the Coastal Act .

**6. Rhoades/Crawford: Agriculture to Commercial Retail (see Agriculture Findings).**

**7. Lynch/Strong: Multi-Family Residential to Recreation.**

An eight unit bed and breakfast inn, the J. Patrick House, is currently in operation on this 0.14 acre site. It is located on East Lodge Hill on Burton Drive between Eton Road and Patterson Place. The site is moderately sloping with lines and landscaping. The primary issue is the previous illegal enlargement of a five unit bed and breakfast to eight units.

The proposed change from Residential Multi-Family to Recreation would effectively legalize the eight room bed and breakfast. The room increase would create about a 50 percent increase in trips per day, from 44 to 70 and a 50 percent increase in water demand, from 0.40 acre feet per year (afy) to 0.64 afy. Both of the resulting figures are relatively small.

The site is across Burton Drive from the Cambria Pines Lodge, which currently is designated Recreation. The proposed change will allow for the correction of the violation of illegally increasing the number of units by three. This is a very small increase in the number of Cambria's existing motel units (about 0.45 percent). The proposed change is in a developed area, has no visual impacts, is not in a flood hazard area, and is a very minor user of water. Therefore, the proposed change is consistent with Coastal Act sections 30250, 30251, 30253, and 30254.

**8. State Parks: Open Space to Recreation.**

This proposed change would apply to a five acre site used as a parking lot and overlook on the north side of the Santa Rosa Creek lagoon, on the west side of Moonstone Beach Drive. The site is a vacant coastal terrace with coastal scrub vegetation. This proposed

change would recognize the long-time use of this site as a parking area and overlook and place it in the more appropriate Recreation land use category. The change is consistent with Coastal Act sections 30212.5 and 30221.

**9. *East Ranch Floodplain: Commercial Retail to Recreation and Residential to Recreation and removal of Visitor-Serving Designation from easterly 10 acres.***

This is a mostly level 20 acre site south of Santa Rosa Creek and east of Highway One, mostly in the floodplain. A portion of the East part of the East-West Ranch, this site is proposed to have its land use designation changed to limit new residential lots and units. Currently, the Residential Multi-Family designation would potentially allow up to 364 units. The Recreation designation would potentially allow up to four houses. The County also proposes removing the Visitor-Serving Designation which exists on the easterly 10 acres.

Floodplain development, additional residential units, and removal of the Visitor-Serving designation are the primary issues. This proposal will remove a large amount of potential residential and commercial development from the Santa Rosa Creek floodplain. The potential would still exist for 60 multi-family units on four acres that are not a part of this proposed change, outside of the floodplain. The proposed change is a positive one in that it removes the potential for a very large number of units in the floodplain; however, the uses allowed in the Recreation category on this site are too numerous and should be further limited by modifying Standard 16 (7-66). Standard 17 (7-66) also must be modified to delete reference to the Residential Single Family Category since there is none. Additionally, as with item number 13, Mid-state Bank, below, there is no particular reason given or information provided which would support removal of the Visitor-Serving overlay designation, so that designation should remain. As modified, the change is consistent with the Coastal Act (see modifications 123, 124, and 137).

**10. *Newman/Londonderry: Multi-Family Residential to Single Family Residential.***

This is a 2.4 acre site comprised of 17 small lots on West Lodge Hill near the southern edge of Cambria and less than one-tenth of a mile from proposed change number 7, Rhoades. There are currently eight units on the site. The main issue is the change to neighborhood character that would come with a change from attached units to detached units. The proposed change would occur on a site currently designated multi-family residential which is across a street from single family residential. There would be a slight reduction in total potential number of building sites and dwellings from 24 to 20. Because of this decrease in intensity, the proposal is consistent with Coastal Act section 30250.

**11. *South Cambria: Residential Suburban to Rural Lands and remove from Urban Rural Line.***

This site is a 135 acre property along Cambria's southern edge. The site is mostly covered with pines. The site is currently designated Residential Suburban; the proposed change is to Rural Lands. Rural Lands reflects the removal of this site from within the Urban Rural

Line. That line marks the planned edge of urban development for approximately the next 20 years. As part of the Update the County examined three potential alternatives or levels of development that would increasingly limit population growth in the North Coast Planning Area. The second level included the redesignation of this 135 acre property from Residential Suburban to Rural Lands along with redrawing the Urban Rural Line to exclude this site.

Under the Residential Suburban designation, minimum parcel size ranges from one to five acres, which could result in from 135 to 27 parcels. Under the Rural Lands designation, the minimum parcel size is from 20 to 320 acres, which could result in from six parcels to one parcel. At a minimum, this proposed change will reduce the number of potential new lots in Cambria by 21 (fewest RS parcels = 27; most RL parcels = 6;  $27 - 6 = 21$ ). Therefore, the proposed land use designation change is consistent with Coastal Act section 30250. However, three modifications must be made to the Update for internal consistency and to accurately reflect the designation change.

1. Delete the second paragraph under Rural Lands on page 4-8 and modify the last paragraph on that page to read “Areas of Rural Lands are designated to the south and to the north and east of the Urban Reserve Line for Cambria.”
2. Modify Figure 4-4, page 4-20, to show changes to the Urban Rural Line,
3. Delete the last paragraph on page 4-21 to reflect the deletion of the Residential Suburban designation. (See Modifications 17a , 18.)

## **12. School Site: Open Space to Residential.**

The owners of the East-West Ranch have offered this site to the school district. It is a gently sloping, approximately seven acre site about 100 yards inland from the coastal bluff near the southwestern corner of the West portion of the ranch. The main issues are the loss of open space and increased traffic. This would be a change from a designation that allows extremely little development and does not allow schools, to one that allows for intensive development, including schools. While there have been no approvals for any development on the East-West Ranch, the most up-to-date proposed circulation elements for that area include a new cross-site extension of Windsor Boulevard to connect the two existing but separate parts of that street (see Roads findings). The connection would be roughly parallel to the ocean bluffs along the bluffward edge of the proposed school site.

There is no doubt that the community needs another school. The other land use designation on the site, Single Family Residential, occupies higher and more steeply sloping parts of the site. The proposed school site is a much less sloping site. A school serving West Lodge Hill and Park Hill, two areas that currently have no school site, could be located here. Being inland of Windsor Boulevard, future development of the site would not adversely affect public coastal views. The West Ranch is proposed to have clustered development with much open space, both seaward of the site and farther inland, up the slope.

Overall, the change from Open Space has no adverse impacts on coastal resources, particularly in light the proposed public access dedications along the bluff of the West Ranch site. However, a more appropriate designation for the site than Residential is Public

Facility, which also allows schools and caretakers' residences but does not allow general residential use. This would better ensure that other uses, including residential, do not occur on the site and that it is set aside for public school use. If modified to change the designation to Public Facility, the proposal will be consistent with Coastal Act section 30251 and 30254 (see Modification 137).

### **13. *Mid-State Bank: Recreation to Commercial Retail (portion) and removal of Visitor-Serving combining designation***

This 13.12 acre site lies between Main Street and Highway One, and Cambria Drive and Santa Rosa Creek. The property slopes down moderately steeply from Main Street on the eastern side of the site; most of the site is flat to gently rolling. Most of the site is in the creek floodplain. The proposed change would result in four acres of Commercial Retail designation and 9.12 acres of Recreation designation. Currently, a small bank occupies the north corner at the intersection of Main Street and Cambria Drive.

Flooding on the site and the potential to exacerbate flooding in the West Village are major issues with any development on the site. The removal of the visitor-serving combining designation on four acres of the site is also an issue.

This site has been the subject of controversy in the past. In 1987 the Commission approved a small bank at the intersection of Main Street and Cambria Drive. The County, in 1990, approved a commercial development that utilized the full extent of the site. That approval was appealed to the Commission. The Commission found that no substantial issue existed. In 1994, the owner proposed grading to place an earth berm along the north bank of Santa Rosa Creek and to alter the streambed under the Highway One bridge to confine floodwaters to the creek, in association with Phase I of the 1990 approval. The grading proposal was approved by the County, appealed to the Commission, and denied, in part because the 1990 approval had expired and because there were other alternatives to the proposed grading.

The current proposed designation change would result in a much smaller development than originally proposed with no alteration to the Santa Rosa Creek streambed. Approximately one-third of the site, nearest Main Street, would be redesignated to Commercial Retail, which could include development that would serve both visitors and residents. Although there is no hard data supporting the County's proposed removal of the Visitor-Serving combining designation, Cambria does currently provide a wide range of visitor-serving uses, from bed and breakfasts to motels of varying price ranges (there are approximately 670 motel rooms in Cambria), and from delis to formal restaurants. Nevertheless, no information has been produced showing that the Visitor-Serving Designation is no longer necessary. Until that occurs, that designation cannot be removed because it would be inconsistent with Section 30222 of the Coastal Act, which requires that lands suitable for visitor-serving commercial facilities have priority over general commercial uses.

Most of the site is in the floodplain and development potential is limited there. Development on this site could seriously exacerbate flooding in West Village by displacing

floodwaters. This property is located at the east end of the West Village and at the west end of the East Village. Floodwaters overtopping the bank of Santa Rosa Creek are funneled across this site between Highway One and Main Street, both of which are elevated above the site.

Any development on this site must address that flooding issue. As discussed in the Hazards findings, any development in the flood hazard area anywhere in Cambria along Santa Rosa Creek must address the overall flooding issue.

The County proposes adding a requirement that proposed development on the site include submittal of a geologic report, drainage plan, and flood hazard analysis. Another new requirement would be that development in and adjacent to Santa Rosa Creek shall not be approved unless a finding is made that historic stream flows will be maintained or enhanced. However, neither of these requirements will address the overall flooding situation on this site and in the West Village when floodwaters overtop the creek banks. Further, there is no evidence that the visitor serving priority designation is not needed. No evidence has been provided to show that there is an overabundance of visitor-serving sites and uses. Therefore, the proposed change is inconsistent with Coastal Act sections 30222, 30250, and 30253, and should therefore be denied (see Suggested Modification 137).

***San Simeon Acres Urban Area (Refer to Map 5: San Simeon, Land Use Categories):***

San Simeon Community Services District: residential to public facility.

This 20,000 square foot site is the location of San Simeon Community Services District's (SSCSD) existing sewage treatment plant, between San Simeon and Balboa Avenues at the mouth of Arroyo del Padre Juan Creek in the community of San Simeon Acres. The proposed change will recognize the use that has existed on the site for many years and is consistent with Coastal Act section 30250.

## **7. Proposed Combining Designation Changes**

Combining Designations are overlays that prescribe further investigation or certain development standards in addition to the basic land use category requirements. For example, a development site with a sensitive habitat combining designation overlay is subject to additional standards in the NCAP, as well as the Coastal Zone Land Use Ordinances. Each proposed change is discussed below.

### **Cambria Urban Area (Maps 9 and 10: Cambria, Combining Designations)**

#### ***1. Sensitive Resource Area (SRA) and Terrestrial Habitat (TH) Adjustment - Pine Forest Location.***

This proposed change would affect the boundaries of the TH combining designation in the Park Hill and Happy Hill areas of Cambria. The County is requesting that the TH

boundaries be expanded to reflect the on-the-ground extent of the pine forest. A previous mapping error incorrectly delineated the boundary of the pine forest in the Happy Hill area and on Park Hill. The proposed new boundary would encompass virtually all of Park Hill and all of Happy Hill. By extending the protection afforded by the TH combining designation, the proposal is consistent with Coastal Act section 30240, which requires the protection of environmentally sensitive habitat (see also ESHA findings).

**2. Historical Designations in East Village**

This change would apply the Historical Combining Designation (H) to 22 buildings and places in the East Village and add the Archaeologically Sensitive Combining Designation (ARCH-SEN) to four of the sites. The East Village is considered a “Special Community” by the LCP, partly because of its historical nature. This change would recognize that fact and require that major remodels and additions will be required to respect the historical character of the particular building in design. The change would also clarify that sensitive archaeological sites exist in the East Village. Therefore, the proposed change is consistent with Coastal Act section 30244, which addresses the protection of archaeological resources; and section 30253, which addresses community character.

**3. Cambria Community Steering Committee: Remove Visitor-Serving Designation from the Mid-State Bank property**

Please refer to item 13 under Cambria Urban Area Land Use Designation Changes, above.

**4. Hume Property: Remove Visitor-Serving Designation**

Please refer to item 9 under Cambria Urban Area Land Use Designation changes, above.

**5-9. Removal of Elementary School and Park Designation from East Lodge Hill and addition of four park designations in and near Cambria.**

The elementary school designation is proposed to be removed because the site is developed with residential uses and is therefore no longer under consideration as a school site. The park designation is proposed to be removed for the same reason. The addition of new park sites are intended to meet the need of the community for additional parks.

These proposed combining designation changes will encourage the provision of adequate park facilities for the community, which now are very limited. This will benefit both the residents and the visitors by providing additional recreational areas. The proposed changes are consistent with Coastal Act section 30252 which, among other things requires that:

*the location and amount of new development should maintain and enhance public access to the coast by. . . (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

**10. Map Leffingwell Creek and a portion of Santa Rosa Creek and San Simeon**

***Creek to clearly show as Sensitive Resource Areas: Coastal Streams and Riparian Vegetation.***

These features in and near Cambria have not before been clearly mapped in the area plan document. This mapping addition clarifies that these streams are sensitive resource areas and thereby clearly extends the protection given those resources to these features. The proposed mapping is consistent with Coastal Act sections 30231 and 30240 (See ESHA findings for more detail).

**San Simeon Acres Urban Area** (Map 6: San Simeon Acres, Combining Designations)***1. Sensitive Resource Area Adjustment Between Balboa, Vista del Mar and Arroyo del Padre Juan***

This action would simply remove the Sensitive Resource Area designation from already developed lots. This area is bounded on the east by Arroyo del Padre Juan. The area to the southwest was considered a sensitive resource area because of the proximity of the arroyo. However, the lots which abut the arroyo were developed many years ago and there is no longer any reason to have the sensitive resource designation on the lots. The arroyo would still retain its SRA designation. The proposed change is consistent with Coastal Act section 30240.

***2. Add a park designation in the vicinity of the former gas station site at the north end of the community between Highway One, Pico Avenue, and Pico Creek.***

This would provide for a future community park on this mostly level site which formerly was occupied by a gas station. The site is vacant. Currently, San Simeon Acres has no park facility. The nearest developed park is at San Simeon State Park, about a mile to the south. The nearest park with play fields and play equipment is Shamel County Park about three miles south in Cambria. The proposed change is consistent with Coastal Act section 30252, which addresses the adequacy of local and regional park facilities.





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# Public Recreation and Visitor-Serving Facilities

## Applicable Policies

The Coastal Act sets clear priorities for public recreation and visitor-serving facilities. Section 30001.5(c) expresses the Legislature’s fundamental goal to maximize “public recreational opportunities in the coastal zone.” Section 30210, meanwhile, requires that recreational opportunities be provided for “all the people.” Similarly, section 30213 states an unequivocal preference for developments that provide public recreational opportunities; and Sections 30221 and 30222 both identify public recreation as a priority land use in the coastal zone. Section 30221 also establishes a general priority for commercial recreational activities, over any private residential or general industrial and commercial development. Finally, section 30250(c) allows the location of visitor-serving facilities at existing isolated developments or selected points of visitor attraction if they cannot be feasibly located in existing urbanized areas.

Visitor-serving land uses are not given the highest preference in the Coastal Act, though. Section 30222 clearly subordinates visitor-serving uses that enhance coastal recreation to agriculture and coastal-dependent industry. In addition, section 30221 requires the protection of oceanfront land suitable for visitor-serving uses, but only if the demand for such uses is not being met elsewhere. Visitor-serving development must also be consistent with the other resource policies of the Coastal Act. For example, visitor-serving facilities that might qualify for the siting exception of section 30250(c) must still be consolidated as much as possible to minimize impacts to coastal resources.

## Overview of North Coast Recreation

Coastal recreation is one of the most important resources of the North Coast. Although Hearst Castle is often highlighted, the relatively undeveloped rural coastline and pleasant climate of the North Coast rivals other rural and scenic areas of the California Coast (see Visual Resource Findings). The tourist economy is generally strong, and a wide range of coastal resources is available between Hearst Castle and Cambria.

There are two state beach parks in the North Coast planning area. WR Hearst Memorial is an eight acre beach providing day use only. It is located on San Simeon Bay, just below Old San Simeon. San Simeon State Beach is an important camping and day use beach for visitors to the North Coast, including Hearst Castle visitor traffic. The campground currently has 233 campsites, which are heavily used in the summer months. Recent figures for July and August show occupancy of 80% and 90% respectively; and State Parks has stated that visitors are being turned away on the weekends between Memorial Day and Labor Day.<sup>30</sup> As discussed in the Access findings, San Simeon State Beach provides

excellent shoreline access from just south of San Simeon Acres to Cambria and Shamel Park.

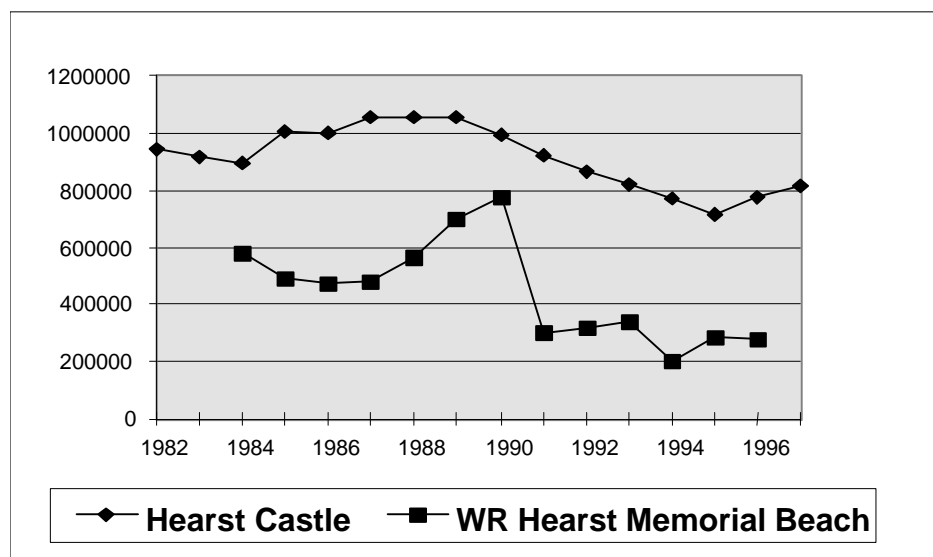
There are also a variety of overnight accommodations in the North Coast Area. There are at least 20 motels in San Simeon Acres, with a total of 706 units. Cambria has 28 motels with 669 units, in addition to many Bed and Breakfast and house rentals. There are currently only 43 total motel units in the rural area of the North Coast. Table 5 presents the trends, including future buildout, of overnight visitor accommodations. As shown, the number of overnight units has more than doubled in the last fifteen years. A similar doubling is anticipated over the next twenty years. The County also estimates a current average annual occupancy rate of 55% in the North Coast planning area.

**Table 5. North Coast Overnight Visitor Accommodation Trends**

Year	Rural Area	San Simeon Acres & Cambria	TOTAL	Increase
1982	34	642	676	
1997	43	1375	1418	110%
New	700*	1049	1749	
Total	743	2424	3167	123%

\* 650 of these new units are proposed on the Hearst Ranch. As modified herein to allow 375 units, the actual increase at buildout would be 100% for the Planning Area.

Visitor trends for the North Coast are well-indicated by the attendance at Hearst Castle. As shown in Figure below, visitors peaked in the late 1980s at over a million visits a year. According to Department of Parks and Recreation, this number represents the end of a fairly regular upward trend since the opening of Hearst Castle in 1958. However, attendance has since dropped significantly, and only more recently has it begun to level off. The same general trend is apparent in visitor data for WR Hearst Memorial State Beach.



## Issues and Analysis

### 1. Location, Scale, and Character of Hearst Resort Development

As discussed in the Development Findings, visitor-serving development on Hearst Ranch has been proposed since the late 1970s. Originally, the Hearst Corporation proposed a five phase development which, in addition to the four phases currently envisioned, also included a resort development at Ragged Point/San Carpoforo, at the northern end of the planning area. The total number of units proposed was 900; and two golf courses were planned. In its initial review, the Commission staff originally recommended that both the Ragged Point and the Pine Forest facility, as well as both golf courses, be deleted as inconsistent with the Coastal Act. In addition, staff analysis indicated that 900 additional rooms was not warranted in the North Coast planning area, given that this would bring the total number of overnight accommodations to 2,162 for the 35 miles between Cayucos and Monterey County.<sup>31</sup> After a series of negotiations, between the County and the Commission, the Hearst resort proposal was zoned down to 650 units; the San Carpoforo resort was deleted, and the Golf course at the Pine Forest was deleted.

In the most recent round of planning at the County level, the San Luis Obispo County Board of Supervisors initially downzoned the Hearst proposal again, reducing the total number of units to 500. The Board also moved the San Simeon Point resort complex off of San Simeon Point, and once again eliminated the Pine Forest facility. This action took place in December of 1996. In June of 1997, a reconfigured Board of Supervisors revisited the planning decisions of the North Coast Update, and changed the total number of allowable visitor-serving units back to 650 (150 to 350 at the Staging Area; 50 at Old San Simeon; 250 near San Simeon Point; and 250 at the Pine Forest Location; in no case exceeding 650 total). More detail is provided in the Development findings.

#### Conformance with Coastal Act

As discussed above, the Coastal Act expresses a clear preference for visitor-serving development that maximizes recreational opportunities for "all the people" (section 30210). Section 30213 protects and provides for lower-cost visitor-serving facilities and it states a clear preference for public recreational opportunities. Section 30222 also states a preference for visitor-serving facilities that enhance public opportunities for coastal recreation. In other words, section 30222 gives some preference to those commercial uses that support the public's enjoyment of coastal recreational activities. Examples of this type of visitor serving use might include a scube rental/supply near a popular diving area, or overnight accommodations near an area with many coastal trails attractive to hikers and beachcombers.

At the same time, the Coastal Act requires careful balancing of recreational and visitor-

servicing development with other coastal resources. Thus, section 30221 requires the reservation of oceanfront land for recreational uses, unless the demand for such activities is already being met in the area. Visitor-servicing facilities must also be concentrated consistent with section 30250, and subordinated to agricultural and coastal-dependent uses.

From a recreational policy perspective, the County's proposed location and intensity of visitor-servicing development on the Hearst Resort is not consistent with the Coastal Act. First and most apparent, as discussed in the Development Findings, the Pine Forest resort proposal is not consistent with section 30250(c), which limits visitor-servicing facilities to isolated nodes of development or points of attraction such as Old San Simeon or San Simeon Acres. A more appropriate location for such a facility for example would be immediately adjacent to and inland of San Simeon Acres, assuming that agricultural land could be converted, and all other resource constraints could be overcome.

Second, although it is appropriate to site new visitor-servicing development within the vicinity of Old San Simeon, this siting must be consistent with other resource protection policies of the Coastal Act. Thus, the Coastal Act's preference for visitor-servicing facilities does not equate to a *carte blanche* exemption of such development from the policies that protect viewsheds and environmentally-sensitive habitat, agricultural land uses, and archeological sites; or that require the minimization of geological hazards. Once again, as discussed in the Development and other resource findings of this report, the collective operation of the resource protection policies of the Coastal Act limit the appropriate development envelope around Old San Simeon to the 100 acres shown in Figure S1 and 2.

Third, given the necessary concentration of resort development at Old San Simeon under sections 30250 and 30242, the total number of units allowed by the County's plan is inconsistent with the Coastal Act, and should be reduced to a total of 375 visitor-servicing units (see Development and Agriculture findings). Moreover, similar to the need to balance various land uses, the Coastal Act also requires the carefully balancing of visitor-servicing impacts with the protection of other coastal resources. In Big Sur, for example, the Commission struck a necessary balance to protect the scenic resources (similar in nature and quality to those of the rural North Coast) and the unique visitor-servicing experience, by limiting the total number of visitor-servicing units to 300. This was for the entire 70 mile Big Sur coastline, roughly double the length of the North Coast. A similar balance is implicit in the section 30254 requirement that Highway One remain a scenic two lane road in rural areas. In short, visitor-servicing development is to be encouraged, protected, preferred, etc., but not at the expense of other important coastal resources.

In the case of Hearst Resorts, as described in the ESHA, Visual, and Public Access resource findings, too much development at Old San Simeon risks overwhelming the sensitive resources of San Simeon Point, including a relatively undeveloped cove at San Simeon, the low intensity character of Old San Simeon, critical viewsheds, dune habitats north of the Point and so forth. Ultimately, too much development would risk negative impacts from increased visitation to sensitive resources north of San Simeon, such as the elephant seal habitat at Piedras Blancas, and the various lagoons of the north coast. In addition, as discussed in the Agriculture findings, visitor-servicing facilities will inevitably

bring conflicts with the surrounding grazing uses as well. For a variety of reasons, then, the 375 units allowed under the Agriculture and Development findings is more in keeping with the balance between visitor-serving uses and resource protection struck by the Coastal Act.

It should also be pointed out that limiting the number of Hearst resort units is not inconsistent with the mandate of section 30221, which requires the reservation of land for other, non-visitor-serving uses if recreational demands are being met elsewhere. As the data presented earlier suggests, it is by no means clear that certain types of middle range visitor-serving development is needed along the North Coast. As mentioned, the current annual occupancy rate for overnight accommodations in the North Coast is estimated by the County to be 55%. Although there are no doubt some higher occupancy rates which result in fewer available rooms on short notice at peak times during the summer peak seasons, the overall rate of 55% is generally considered to be low by hotel and motel industry standards.<sup>32</sup> By comparison, the County of Santa Cruz enjoyed an average annual occupancy of 65% last year.<sup>33</sup>

Further evidence for the uncertain demand for visitor-serving facilities is found in the visitation data for Hearst Castle, which is no doubt ebbing and flowing with the more general trends of the economy. In addition, as the County's buildout analysis shows, both San Simeon Acres and Cambria anticipate significant amounts of hotel and motel development that would likely compete with or be similar to the development proposed for the staging area. If a choice were to be made between new overnight accommodations currently planned for the Staging Area or additional rooms in San Simeon Acres and Cambria, the Coastal Act would clearly establish a preference for new visitor-serving in the existing developed areas without the viewshed impacts which would occur at the staging area. Of course, as discussed in the Development Findings, the overall type of resort development envisioned for the Hearst Ranch -- a higher end resort providing a wide range of recreational amenities, including significant public access to San Simeon Point -- is not really feasible in these locations. Thus, only some of the planned development, is more appropriately located elsewhere.

Finally, apart from the other findings of this recommendation that restrict the Hearst Resort Development to the Old San Simeon development envelope, a more limited resort development, with lower-cost facilities mixed in (see below), is more in keeping with the preferences of the Coastal Act for public visitor-serving experiences. Rather than promoting the exclusivity of the separate private resort, the recommended modifications of this report would encourage the development of a more vital public visitor-serving destination in Old San Simeon. This site, on the shores of San Simeon Bay, one of the largest protected anchorages between Carmel and Morro Bay, is an ideal location for such a visitor-serving destination. Various user groups, facilities, and a range of accommodations would be more closely mingled. The Village concept would both consolidate, and thus limit the impact of new development at San Simeon; and also enhance the visitor-serving experience for all citizens to the maximum extent possible within the other resource constraints of the Coastal Act.

Overall, to bring the updated NCAP into conformance with the recreational policies of the Coastal Act, the location of the Hearst Resort development, and its concomitant design,

should be limited as required by other findings in this report. In addition, the County should amend its goal statements in Chapters One and Two concerning visitor-serving development, to clarify that the clear Coastal Act preference is for public recreational facilities (1-5; 2-19). In order to ensure that visitor-serving facilities allowed outside urban areas remain available to the general public and do not convert to private uses (residential, private clubs, time shares, etc.) a standard must be added to this effect for development on the Hearst Ranch. This is consistent with other Commission actions throughout the state, whereby the conversion of hotels and motels to private vacation or timeshare arrangements has been limited to promote public visitor-serving goals. (Mod. 97, Standard 14)

Finally, in light of other findings in this report (Development, Viewshed) and given the wide range of uses allowable within the recreation category, San Simeon Point should be rezoned to Open Space. This zoning allows for the passive recreation and public access uses envisioned for the Point, but eliminates any uncertainty about the appropriateness of any future intensive development at this location, consistent with Coastal Act's preference for permanent protection of sensitive coastal areas. (Mod. 80 and 97, Standard 3)

## **2. Lower Cost Visitor-Serving Facilities at Hearst Resorts**

The existing NCAP contains a requirement that low-cost visitor-serving development be provided with the Hearst Resort development within four years of the occupancy of the phase one Staging Area development. This low-cost facility must be either a 100 bed hostel, or a 50 unit campground. The updated NCAP has changed the delivery commitment of the low-cost facility to any time prior to approval of any additional phase of development. It has also prohibited the location of such facility at Piedras Blancas, which was previously indicated as an appropriate site (7-20).

### **Conformance with Coastal Act**

Coastal Act Section 30213 requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. The updated NCAP currently requires that with Phase 1 of the Hearst Resort development, a 100 bed Youth Hostel or a campground of 50 sites be constructed "prior to the approval any additional phase" of development. Generally, this requirement is an important component of the Hearst Resort development proposal. However, section 30213 clearly anticipates that where feasible, lower-cost facilities should be provided as a condition of development. As currently structured, there is no guarantee that such a facility will be provided, unless the Hearst Resort development moves beyond Phase 1. Given the economic uncertainties of resort development, as well as the multitude of resource constraints that may be anticipated with the proposed development, it is possible that an initial higher cost phase of development would be completed and established without a lower-cost facility ever being realized. In such a scenario, the Hearst development would effectively preclude lower-cost visitors from enjoying the benefits of visitor-serving development in the Old San Simeon area. This is inconsistent with the Coastal Act section 30213.

In order to be fully consistent with section 30213, a lower-cost facility should be provided

concurrent with any development in Old San Simeon. Therefore, standard 3 for the Hearst Resort Phase 1 must be modified to require the establishment of the campground or youth hostel, within one year of occupancy of any other development in the Resort envelope. Other references to the timing of the lower-cost facility should be amended as well. However, recognizing the reduction in the allowable intensity of development at Old San Simeon required by these findings, it is also appropriate to reduce the number of required Youth hostel units to 60. The allowable "footprint" for such a development -- 15,000 sq.ft. - - should be more than adequate for such a facility.

Finally, in order to be consistent with the other development and resource findings of this report, the NCAP should be modified to require that the Youth Hostel, if built, should be sited within the Old San Simeon development envelope. Therefore, standard 3 for the Hearst Resort Phase 1 must be modified to require the establishment of the campground or youth hostel within one year of occupancy of any development in the approved envelope at Old San Simeon. (Mod. 97, Standard 6)

### **3. Golf Courses**

The current NCAP envisions an 18 hole resort style golf course located to the immediate north of Old San Simeon. However, the updated NCAP includes the conversion of an additional 60 acres of agricultural grazing lands to accommodate a larger development envelope for the golf course. Apparently more recent assessment of other resource constraints, versus the needed acreage for a fully-competitive 18-hole golf course, has dictated such a request.

The NCAP update, though, also encourages the Hearst Corporation to come back for an additional LCP amendment that would allow an even larger conversion of agricultural lands to accommodate a 27 hole, "world class" golf course. Since the submittal of the NCAP Update to the Commission, the Hearst Corporation has submitted an application to the County to change approximately 300 acres immediately north of the current proposed golf course from Agriculture to Recreation, for use as future proposed golf course.<sup>34</sup> The intent is to process this submittal as a separate amendment to the County's LCP.

### **Conformance with Coastal Act**

Visitor-serving development is a high priority under the Coastal Act. Section 30210 states that public recreational opportunities shall be maximized. Section 30213 also expresses a clear preference for developments that provide public recreational opportunities. Coastal Act Section 30222 evinces a clear preference for public visitor-serving development that enhances coastal recreation over private residential, industrial, or general commercial development. However, it also very clearly subordinates such development to agriculture and coastal-dependent uses. In addition, the Coastal Act provides no particular mandate for private visitor-serving developments.

The proposal for an 18 hole golf course associated with a resort is not a priority use in this

clear policy hierarchy and does not serve to enhance coastal recreation. First, as discussed in other sections, the golf course will require the conversion of approximately 250 acres of agricultural grazing lands that have not been shown to be infeasible for continued agricultural use (see Agricultural findings for more detail). Second, the golf course use itself is inconsistent with the visual resource protection policies of the Coastal Act (Visual Resource findings). Third, according to the 1982 Hearst EIR, it may use almost as much water as currently supplies the entire town of Cambria in an area of very limited and uncertain water supplies (see Development findings). Fourth, it is unlikely that the type of golf course envisioned by the Hearst Corporation would approximate a public recreational facility that serves a wide range of visitors. Nor can it be said that a golf course enhances coastal recreation, although a coastal location may enhance the golf course. Thus, a golf course cannot be considered a type of commercial visitor serving use given limited priority under section 30222. As discussed in other sections, therefore, the golf course should be deleted as inconsistent with the broad goals and specific resource protection policies of the Coastal Act<sup>35</sup>.

Similarly, as mentioned, the County has encouraged the Hearst Corporation to come forward with an additional LCP amendment that would convert some 300 acres of agricultural land to recreational use. This change would allow for the construction of much larger, 27 hole golf course facility. In light of the findings made in this staff recommendation, references to this additional land use change and potential golf course, as well as any other references that imply support for a golf course facility, must be deleted from the NCAP. (Mods. 97 and 10)

#### **4. Miscellaneous Recreational Land Use Changes**

This section briefly analyzes several miscellaneous recreational land use changes for conformance with the Coastal Act.

##### **Camping Facilities - Location criteria.**

The County has proposed that no new camping, including non-recreational vehicle camping, occur on the west side of Highway One north of Cambria. Although the restriction on recreational vehicles is appropriate, particularly given the visual resource findings of this report, low-intensity, non-vehicle camping may be appropriate between the Highway and the shoreline. To preclude such opportunities for low-intensity, low-cost visitor-serving activities would not be consistent with the Coastal Act. Accordingly, these standards should be revised to prohibit only recreational vehicles west of Highway One (see Modification 99).

##### **Former Cambria Air Force Station.**

Non-recreational uses should be deleted from the standard for the Cambria Air Force Base. No findings have been made to support such a change, inconsistent with the



Coastal Act's preference for visitor-serving development. The Base has previously been a target for public acquisition, and recreational visitor-serving uses should continue to be a policy goal of the NCAP. This is particularly true given the lack of any visitor serving uses on the Harmony coast. In addition, it is not clear that allowing such uses as single family dwellings is appropriate land use in this location. Such potential changes in land use are more appropriately accomplished through a zoning change, not through a spot amendment of the allowable uses on a given site. (see Modification 104)

#### **Piedras Blancas Lighthouse Limitations on Use.**

The NCAP has eliminated a wide range of low intensity public recreational uses as well as the possibility of a Youth Hostel being located at Piedras Blancas Lighthouse. Although the removal of the Hostel is consistent with other findings in this report, particularly the visual resource and Development findings, the removal of low intensity visitor-serving uses is not consistent with the recreational and public access policies of the Act. Accordingly, low intensity, passive recreation and camping should be allowed at this site. In addition, as detailed in the ESHA findings regarding the Elephant seal, this is the best location on the coast for a public observation and interpretive facility with respect to this resource--and should be considered as a gateway public contact station for the Monterey Bay National Marine Sanctuary. Therefore, this specialized, resource-dependent kind of use needs to be clearly allowable (see ESHA findings and Modification 105).

#### **Moonstone Beach.**

Non-recreational land uses such as Multi-family and single-family dwellings should be deleted from the limitation standard for Moonstone Beach. Such potential changes in land use are more appropriately accomplished through a zoning change, not through an spot amendment of the allowable uses on a given site. In addition, given the resource constraints in Cambria, particularly water, such changes are not consistent with the development policies of the Coastal Act at this time. Visitor-serving recreation is also a priority use under the recreational policies of the Coastal Act(see Modification 130).

# Agriculture

## Applicable Policies

Protecting agriculture is a fundamental policy of the Coastal Act. In particular, the Act sets a high standard for the *conversion* of any agricultural lands to other uses. For example, Section 30241 requires the maintenance of the maximum amount of prime agricultural land, to assure the protection of agricultural economies.<sup>36</sup>

Section 30241 also requires the minimization of conflict between general agricultural and urban land uses through five requirements:

- (1) establishing stable boundaries separating urban and rural areas;
- (2) limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development;
- (3) permitting conversions of agricultural lands only when such conversion would be consistent with section 30250 of the Coastal Act concerning the consolidation of development;
- (4) developing lands not suited for agriculture prior to agricultural conversions; and
- (5) assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

Coastal Act Section 30241.5 identifies specific findings that must be made in order to address the agricultural “viability” of prime lands around the periphery of urban areas subject to conversion requests. These findings include an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP or LCP amendment request.

Finally, Section 30242 establishes a general standard for the conversion of agricultural lands:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

As discussed later in this finding, section 30242 is the most important policy for evaluating the NCAP Update, because most of the agricultural land in the North Coast planning area

is non-prime grazing lands.

## Overview of North Coast Agriculture

Except for the urbanized areas of Cambria and San Simeon Acres, and the extremely low intensity development found in Old San Simeon, the North Coast planning area is dominated by agricultural land uses. Over 96 thousand acres (93.6%) of the North Coast area is currently designated or used as agricultural land. This includes the Hearst Ranch north of San Simeon Acres and extensive grazing lands south of the Hearst Ranch all the way to Villa Creek, interrupted only by Cambria. As Table 6 illustrates, a recent survey shows that nearly all of agricultural land of the North Coast is used as rangeland.

**Table 6. Agricultural Uses on the North Coast.**<sup>37</sup>

Use	Parcels	Estimated Acres	% of Total Acres
Grazing	14	242	0.26
Rangeland	329	90,379	99.0
Tree Fruits	-	146	0.16
Vegetables	7	384	0.42
Specialty/Hobby	3	50	0.05
Misc./Non-Ag.	22	198	0.22
Hay-Grain	-	-	-
Total	375	91,399	100

### ***Hearst Ranch***

The major agricultural land holding in the North County is the Hearst Ranch. The ranch encompasses over 77,000 acres in total in San Luis Obispo County, of which 48,732 acres are within the coastal zone of the North Coast planning area. Topographically, the ranch includes 16 miles of rocky shoreline punctuated with sandy beaches and coves. The immediate nearshore area is typical coastal benchland separated from the sea by low to steep bluffs. East of Highway One are gently rolling hills that become progressively steeper and more rugged as they approach the ridgeline of the coastal mountain range some 6-7 miles from the sea.

Due to an extensive and well established grazing operation, vegetation on the coastal plain and moderately rolling hills is limited to grasses and scatterings of coastal scrub and Coast Live Oak trees. The rugged, steep uplands are heavily wooded with a mixture of indigeneous Big Cone Spruce, Oak, Madrone and Bay Laurel. A number of creeks find their way down from the mountains and support the riparian vegetation and fauna typically associated with central coast creek systems. The ranch also encompasses a substantial portion of the southernmost stand of native Monterey Pine and several endangered plant species (see Water Supply and ESHA Findings for more detail).

Land use on the coastal zone portion of the Hearst Ranch includes a small commercial/residential development at Old San Simeon, a large cow/calf operation (+2210 animal units per year; horses; +1800 calves born and raised annually), a private landing field, living quarters for ranch workers, and 23 residences. There is also a small amount of irrigated agricultural production in the bottomland at Arroyo de la Cruz, currently planted in snow peas. As for soils, the ranch does contain some prime soils (Class I and II) in the narrow zones along the larger creeks, and on some coastal and inland flats. Class III lands are more extensive; particularly in the coastal zone on the marine terraces. The remainder of the ranch consists of lands with classification IV to VII, suitable for grazing.

Finally, as observed elsewhere in this report, the Hearst Ranch occupies a significant portion of the California coastline. It contains a variety of coastal resources, including plant communities found in few other places. Although it offers substantial scenic vistas in its own right, taken in conjunction with Big Sur, the aesthetic values of the ranch also contribute to the longest scenic drive along the coast between San Francisco to the Mexican border.

### ***Other North Coast Agricultural Lands***

The general area between Villa Creek at the southern end of the North Coast planning area and Hearst Ranch is mostly grazing land. The coastal zone in this area includes most of the west slope of the Santa Lucia Range. Topographic features include narrow marine terraces, coastal valleys and steep rolling slopes. Other than the Cambria area and the upper slopes of the Santa Lucia Range, most of this area is grassland. Crops grown in the area are primarily used as feed on associated ranges. As observed in the Coastal Plan Policies document, land devoted to crops is limited to four valleys: Villa Creek, Green Valley, Santa Rosa Creek, and San Simeon Creek, for a total of 1000 acres. These valley lowlands are mostly designated Class II if irrigated; Class III without. In terms of rangelands, this area contains some of the best dryland in the county, with annual livestock carrying capacities of one animal unit per seven acres.<sup>38</sup>

Finally, as observed in the NCAP update, most of the agricultural land south of the Hearst Ranch is in agricultural preserves and subject to land conservation contracts. Agricultural Preserves and Conservation Contracts are developed pursuant to the Williamson Act. Under the County's Williamson Act program, once a landowner establishes a preserve over their agricultural land, he or she may enter into a contract with the County that restricts the use of the land to agricultural uses for a minimum of ten years, in exchange for a dramatic reduction in property tax assessments.<sup>39</sup> A detailed survey of North Coast parcels in 1992 revealed that one third or 175 parcels were in agricultural preserves. At the time, this represented approximately 25,800 acres.<sup>40</sup> The Coastal Plan Policy document states that forty thousand acres of the area is in agricultural preserves. Thus, much of the land designated for agriculture outside of the Hearst Ranch is under a Williamson Act contract. Average property size is 740 acres within a range of 100 to 3000 acres.<sup>41</sup>

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## Issues and Analysis

### 1. Hearst Ranch Non-Agricultural Development

Non-agricultural development on the Hearst Ranch has been a controversial issue since the early 1960s. Prior to the Coastal Act, a proposal was made to develop 20,000 homes on the Hearst Ranch that would have housed approximately 60,000 people. This proposal remained a real possibility until 1975, when the County of San Luis Obispo voted to rescind the so-called "Piedras Blancas plan".<sup>42</sup> After the passage of the Coastal Act in 1976, attention turned to the designation of recreational lands in and around San Simeon Point.

The next significant action occurred after the passage of the Coastal Act. The Land Use Plan portion of the San Luis Obispo County LCP was initially submitted for Commission review in 1982. At that time the Plan provided for the designation of five Commercial/Visitor Serving sites on the Hearst Ranch (900 hotel units, two golf courses, and a variety of commercial uses). During the Plan hearings at both the County and Coastal Commission levels, there was substantial local opposition to the level of non-agricultural development proposed on the Hearst Ranch. The Commission determined that a reduced amount of Commercial/Visitor Serving Uses could be accommodated on the ranch, but only if such non-agricultural development was adequately mitigated by an agricultural/open space easement over the remainder of the ranch lands in the coastal zone. The easement, which was included in the original certified NCAP in 1983 as a development standard for the Hearst Ranch, required the following:

*Hearst Ranch - Agricultural/Open Space Easement. Concurrent with the development of the Staging Area, the applicant shall grant an easement to the county over all land designated Agricultural on the Land Use Element maps. This easement shall remain in effect for the life of the visitor-serving developments approved on the ranch unless modified by an amendment to the LUP and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily considered accessory to agriculture, farm labor housing and a single family home accessory to agricultural use. All lands unsuitable for agriculture because of habitat and resource protection or soils characteristic reasons shall be limited to non-structural, non-agricultural, open spaces uses. The county shall consult with the Department of Fish and Game and the Hearst Corporation to establish standards which shall be incorporated into the easement to protect environmentally sensitive habitats of the Arroyo de la Cruz and San Carpoforo Creek watersheds.*

This easement standard provided for the dedication of Agricultural and Open Space Easements over all ranch land designated for agricultural use at the time of development of the visitor serving facilities at the "Staging Area" located on the east side of Highway 1 near the State Park entrance facilities. The purpose of the easement was to protect

agriculture and habitat values on the Hearst Ranch outside of the four areas designated for visitor serving uses in the LCP. The easement requirement would have applied to the roughly 50,000 acres of the Hearst Ranch within the coastal zone. More important, the standard was developed and adopted by the Commission as an essential adjunct to the designation of more than 300 acres of viable ranch land for visitor serving uses (650 hotel units, commercial uses, employee units, golf course and equestrian center).

However, both the County and representatives for the Hearst Corporation opposed the easement requirement and the 1983 Commission approval of the LUP with modifications was not accepted.

The San Luis Obispo County LUP was resubmitted in 1984. Again controversy surrounded the issue of development on the Hearst Ranch and the easement requirement. Once again the Commission approved the LUP with a reduced level of Commercial/Visitor Serving development if modified to include the easement requirement. This time, the County accepted the Commission's approval as modified but indicated that an amendment to delete the Agricultural/Open Space Easement would be sought at a later date.

An amendment requesting deletion of the Easement requirement was submitted by the County in late 1984. In February of 1985, the Commission again found that the easement requirement was necessary to mitigate the impacts of the Commercial/Visitor Serving uses on identified Coastal Resources. The Amendment request was denied. The Commission directed staff to continue discussions with the County in order to determine whether a mutually acceptable alternative method of protecting coastal resources on the ranch could be found.

Another request to delete the easement provision was submitted later in 1985. In November of 1985, the Commission found that the easement was required, but that it could be phased as the individual nodes of non-agricultural development were built-out. The easement language was thus modified to reflect the Commission's decision. The Hearst Corporation Representatives indicated the suggested modification was unacceptable. The County declined to accept the modifying language with the effect that the original policy language providing for the entire easement at the time of development of the first project at the Staging Area remained.

Finally, in 1987, the Planning staff at San Luis Obispo County offered alternatives to the Board of Supervisors including the use of Agriculture Preserve contracts and a combination of agriculture/open space easements adjacent to proposed development nodes plus Agriculture Preserve contracts. County staff recommended the combination easement/ag contract alternative. A single hearing was held on this item at the Board of Supervisors meeting of December 15, 1987. A review of the complete transcript of the hearing, indicates that the controversy continued. Several members of the public spoke both in favor and against deletion of the easement requirement. Representatives of the Hearst Corporation argued against both the existing easement requirement and the alternative proposed by staff. Hearst contended that the easement was excessive, not required and would likely expose the County to lawsuits as a result of the recent Nollan decision concerning the question of appropriate land use exactions and nexus. The Board voted 4-1 to delete the easement.

The deleted easement came before the Commission in LCP major amendment #2-88. Commission staff again recommended that the easement requirement be retained, but also that it be reduced in size to make it more consistent with County standards in the certified LCP. These standards require that when any non-agricultural uses are proposed for agricultural lands, that agricultural and open space easements be granted for all remaining agricultural lands shown on site plans and that non-agricultural development be limited to 2% of the entire site (see Policy 3; CZLUO 23.04.050). Using a similar logic, staff recommended that the easement cover only 15,000 acres of the ranch, which was proportional to the 300 acres of non-agricultural development being allowed. The Commission ultimately went against the staff recommendation and voted 7-5 to delete the easement, on the grounds that the remainder of agricultural lands on the Hearst Ranch would be adequately protected by existing LCP policies concerning the conversion of agricultural lands.<sup>43</sup> This finding, though, did not address or make a finding concerning the initial conversion agricultural lands to non-agricultural use but merely considered the protection of agriculture beyond the Hearst resort conversion (see below for more detail)

With the deletion of the agricultural easement standard, potential non-agricultural development on the remainder of the Hearst Ranch is governed by two standards in the NCAP and the more general agricultural conversion policies and ordinances of the LCP. The existing NCAP requires that any land divisions of the Hearst Ranch agricultural lands must result in parcels that constitute individually viable agricultural units. In the alternative, agricultural land divisions may be acceptable if they improve the viability of adjacent holdings (see 7-12 of NCAP update).

The general agricultural policies and ordinances of the LCP also govern proposed land divisions and non-agricultural uses. Policy 1, for example, requires the maintenance of prime agricultural lands, similar to section 30241 of the Coastal Act. It also requires that other agricultural lands be maintained as such unless this is not feasible; or unless conversions would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas that have adequate public services.

Coastal Plan Policy 2 governs the division of agricultural land. In effect, land divisions for prime soils are prohibited unless certain findings of continued agricultural viability are made. Divisions of non-prime lands are prohibited "unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished." This policy is implemented as a standard, not through a specific ordinance. As such, the Coastal Plan Policy document notes that Policy 2 may lead to "substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance."

Policy 3 sets forth specific standards for allowable supplemental non-agricultural uses. The most important part of this policy, is the requirement that non-agricultural development may not exceed 2% of the gross area of the parcel(s) at issue; and that an agricultural/open space easement must be placed over the remaining 98% lands. Other Agricultural policies govern the siting of structures, the urban-rural boundary, lot consolidation, water supplies, agricultural practices, and other miscellaneous agricultural requirements (Policies 4 through 12).

Finally, certain Coastal Zone Land Use Ordinances regulate agricultural lands as well. Minimum parcel sizes for land divisions are regulated by ordinance 23.04.024, which defines two separate methods for determining parcel size. One method is based on the existing use of a parcel. For example, land used for grazing has a minimum parcel size 320 acres, as opposed to 20 acres for irrigated row crops, nurseries, orchards, and vineyards. The other method for determining minimum parcel size uses land capability based on the Soil Conservation Service classification system. For example, Class I lands have an allowable minimum of 20 acres, whereas Class VII-VIII have a minimum of 320 acres. Proposed minimum parcel sizes must meet both tests to be approved. Ordinance 23.04.050 governs supplemental non-agricultural uses to implement Policy 3. Finally, ordinance 23.04.432 prohibits the extension of services beyond the urban services line, to minimize conflicts between agricultural and urban land uses.

The County has made several limited changes to NCAP agricultural policies that affect the Hearst Ranch agricultural lands. The County has added a provision that requires an "Ag-viability report" to be submitted with any applications for land divisions and lot line adjustments to the Agriculture and Rural Lands categories (7-8). In addition, standards have been added that (1) require parcel configuration to maintain and enhance agricultural viability; and (2) require findings to be made that resulting parcels will maintain and enhance agriculture and that potential non-agricultural uses will not have an adverse impact on surrounding agricultural uses (7-9).

The County has also updated the specific Agriculture category standards (7-12). First, the standards are revised to apply to all agricultural lands, not simply the Hearst Ranch. Second, the County has exempted land divisions necessary for public works or services from the agricultural criteria. Finally, the County has repeated the requirement for an Ag-viability report that evaluates the effects of proposed land divisions.

### **Conformance with Coastal Act**

The Coastal Act establishes a clear mandate for the preservation of agricultural lands, including non-prime soil lands suitable for grazing and other non-crop agricultural activities. Except for lands where agricultural viability is already "severely limited" by conflicts with existing urban uses (e.g. "in-holdings" and on the urban periphery), the standard for conversion of agricultural lands under Sections 30241 and 30242 is extremely high. The conversion of prime agricultural lands is effectively prohibited; the conversion of all other agricultural lands is prohibited unless it is shown that: "continued or renewed agricultural use is not feasible, or . . . [that] such conversion would preserve prime agricultural land or concentrate development consistent with section 30250."

As discussed in the Development findings, a limited amount of visitor-serving development (100 units) is allowable within the existing development node at Old San Simeon under the visitor-serving exception of Section 30250(c). However, any development beyond this limited envelope would require the conversion of agricultural lands currently used or available for grazing. Each of the other proposed areas for visitor-serving development -- the Staging Area, the lands around Old San Simeon, the proposed golf course lands, as well as the site for the proposed Pine Forest facility -- either are or have been used for cattle grazing recently. A recent evaluation of agricultural viability on the Hearst Ranch, as



well as recent staff visits to the vicinity, have documented cattle grazing uses on Phase One, Three, and Four lands.<sup>44</sup> A 1988 review of Agricultural uses on the Ranch documented the following uses in the areas proposed for non-agricultural visitor-serving development:<sup>45</sup>

The Staging Area:	Seasonal Holding Field for Cattle Being Shipped
Between Old San Simeon and Highway One:	Small Pasture for 6 cows and calves
San Simeon Point and Proposed Golf Course:	Used for 120 cows and calves
Pine Forest Resort Envelope:	Part of larger cow and calf pasture

In this comprehensive planning update of the NCAP, the Commission is obliged to consider anew whether the non-agricultural development proposed by the Hearst Corporation and incorporated into the updated NCAP is consistent with Coastal Act Section 30242. Indeed, such an analysis is particularly warranted considering the history of proposed non-agricultural uses on the Ranch and the agricultural easement standard originally adopted by the Commission. Technically speaking, a finding that agriculture (namely grazing) was not feasible on the Hearst Ranch has never been made. As discussed briefly above, the original conversion of 300 acres or more of the Hearst Ranch to non-agricultural lands was allowed only because the Commission consolidated and limited the scale of non-agricultural development, and, *because of the guarantee provided by the agricultural easement that no further non-agricultural development would occur on the ranch*. The easement requirement effectively retired the remaining non-agricultural development potential on the Ranch. The Commission, therefore, was able to find that on balance, the Hearst resort proposal was consistent with sections 30241 and 30242.<sup>46</sup>

However, because the agricultural easement standard is no longer part of the NCAP, the question of the conversion of agricultural lands on the Ranch must be revisited. In particular, when the Commission approved the deletion of the easement requirement in 1988, the question of the *initial* conversion of the agricultural lands required for the Hearst Corporation's non-agricultural visitor-serving uses was not reevaluated. Rather, the adopted findings focused on the remaining agricultural grazing lands and whether existing County policies were sufficient to protect these lands from future non-agricultural development.<sup>47</sup> This oversight in the 1988 amendment to the NCAP effectively leaves a policy gap that must be considered in this comprehensive update of the NCAP. As discussed in more detail below, the lack of a finding on the initial conversion of agricultural land on the Hearst Ranch leaves a significant inconsistency with Coastal Act section 30242, and effectively gives the Hearst Ranch agricultural lands special treatment relative

to other agricultural lands in the North Coast. Overall, sound public policy requires a comprehensive reevaluation of the proposed conversion of agricultural lands on the Hearst Ranch.

### ***Feasibility of Agricultural Uses on Hearst Ranch***

As mentioned, under section 30242, non-agricultural development beyond Old San Simeon is allowable only if continued or renewed agricultural uses on the lands at issue is no longer feasible; or if conversion of such lands would preserve prime land or concentrate development consistent with Coastal Act Section 30250.

Concerning the first test, there would appear to be little doubt that the Hearst Ranch is a viable cattle operation. Approximately 1,300 cow-calve pairs and 125 bulls are grazed year round on the ranch, along with 1,500 to 2,000 stocker calves for six or seven months.<sup>48</sup> In addition, despite the current recreational designations over a small portion of the Hearst Ranch, the fact remains that most, if not all of the Ranch is still in agricultural use. Although non-agricultural uses of some type on the Ranch have been contemplated for over thirty years, such development has yet to take place. In the meantime, and certainly since the certification of the original LCP, the viability of the agricultural uses on the ranch has increased. A 1988 study of the agricultural capabilities of the Ranch found that the cattle operation had expanded by 20% from 1977.<sup>49</sup> Most recently, the Sage Associate consultants for the Hearst Corporation have substantiated the strong feasibility of the grazing operation on the Ranch:

*The size of the Hearst Ranch cattle grazing operation (approximately 2,210 animal units per year), the suitability of the land for cattle grazing, the cooperative operational arrangements with Jack Ranch, the well above average rental values, and the superior facilities all make the 77,000+ acre Hearst Ranch a viable cattle grazing operation.*<sup>50</sup>

Although the consultant analysis uses this finding of feasibility to suggest that the non-agricultural uses proposed for the Hearst Resort would not negatively impact the grazing uses of the Ranch, such analysis is not consistent with the approach mandated by the Coastal Act. Taken at face value, this analysis supports a finding that continued agricultural use on the Hearst Ranch is quite feasible.

Indeed, except for the lands immediately in Old San Simeon, all of the proposed development sites for the Hearst Resort are currently used for grazing. They are also comprised of the same basic topography and soils types that support cattle grazing. As with most of the marine terraces on the Ranch, a large portion of the land designated for non-agricultural use is made up of Concepcion Loams, which are considered to be "well-suited for rangeland" by the 1984 Soil Conservation Service Survey.<sup>51</sup> The proximity of the coastal terrace lands to an ocean climate also contributes to the high suitability of these lands for grazing. These lands receive more moisture and remain green for longer periods relative to lands higher up on the Ranch. The twenty-eight acres of grazing land proposed for conversion at the Staging Area are rated as "high suitability" for grazing by the Sage Associates. Similarly, fifty-six acres of Phase III lands, and nine acres of Phase IV are highly suitable for grazing.<sup>52</sup> And these are only the highest quality acres of grazing lands.

Soil maps also establish that all of the Staging Area and the Pine Forest, as well as a substantial portion of the lands around Old San Simeon, are Concepcion Loams.<sup>53</sup> These lands are also designated as Local Potential Farmland on the California Department of Conservation *Important Farmlands Map of San Luis Obispo County*.<sup>54</sup> Overall, using a carrying capacity of 7 acres per animal unit, which is typical for the Hearst Ranch and North Coast grazing rangelands, the updated NCAP conversion of grazing lands would result in the loss of some 46 animal units per year (326 proposed acres for conversion).

Finally, it might also be pointed out that the EIR for NCAP update also makes a finding that the additional agricultural land proposed for conversion to non-agricultural uses would have an "insignificant" impact on agricultural lands. This is because such conversions amount to less than 10% of a conversion of existing grazing lands. Again, besides the fact that this is not the standard of the Coastal Act, which asks for a showing that agriculture is not feasible prior to any conversion, this observation further substantiates the fact that continued agricultural use on the Hearst Ranch is feasible, precisely because the impact of such a larger conversion would be "insignificant."

Overall, it is clear that the conversion of grazing lands by the proposed visitor-serving development is not allowable under the first test of Section 30242. The Ranch is a viable, in fact, an increasingly viable agricultural operation.

### ***Preserving Prime Lands and Concentrating Development***

Conversion of the Hearst grazing lands to non-agricultural lands is also not permissible under the second test of section 30242. The proposed Resort development would not preserve prime agricultural lands. This leaves the last test of 30242 as the only basis for allowing the conversion of agricultural lands. Under this test, conversion may be allowed if it would "concentrate development consistent with section 30250." The purpose of such an exception, of course, is to provide a more permanent protection of contiguous and uninterrupted agricultural lands by concentrating potential non-agricultural development at discrete, well-defined development nodes in the coastal zone. The exception thus goes hand-in-hand with the Coastal Act goals of establishing buffers and minimizing conflicts between agricultural and urban uses.

Although the updated NCAP has strengthened the agricultural policies relevant to the Hearst Ranch (see discussion above), these policies do little to concentrate development potential at a discrete node such as Old San Simeon. To be sure, under the normal operation of the County's LCP and the NCAP, considerable non-agricultural development potential would remain on the Hearst Ranch, above and beyond the 650 visitor-serving units allowed in the current NCAP.

First, an agricultural zoning designation in San Luis Obispo County does not necessarily mean that uses are limited to what are traditionally considered to be agricultural uses. Under Table O of the County's Framework for Planning, a slew of "non-agricultural" supplemental uses is allowed in Agricultural zones, including restaurants, single family homes, Bed and Breakfasts, and multiple industrial type uses. Table O also allows "Rural Recreation and Camping," which includes not only low intensity uses but also dude and guest ranches and health resorts. It is conceivable, then, that additional non-agricultural

development could be proposed on existing or future legal lots of record on the Hearst Ranch, ranging from Pico Creek to San Carpoforo.

Second, under the County's Coastal Plan Policy 2, non-prime agricultural lands may be divided if "it can be demonstrated that the existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished." This policy is supplemented by the new North Coast Area Plan standard that Agricultural land divisions must either result in parcels that constitute individually viable units; or they must improve the viability of adjacent holdings (7-12). A new standard for land divisions also requires that prior to approval of an agricultural land division, a finding must be made that the "resulting parcel configuration and ownership pattern, together with the use of easements, maintains and potentially enhances agricultural viability" (7-9). Although these policies would appear to provide some protection against non-agricultural development on the remainder of the Hearst Ranch, it is by no means clear how they would be implemented. Once land is divided, even if it maintains agricultural uses in the short run, the legal landscape for future parcel development is irrevocably changed.

Third, Table O and the LCP policies must also be read in conjunction with the ordinances of the LCP that govern the minimum parcel sizes for Agricultural lands. As mentioned earlier, CZLUO Section 23.04.024 essentially establishes a 320 acre minimum parcel size for grazing lands and lower classification soils, although smaller sizes are allowable for more intensive irrigated agriculture on higher soil types. For example, irrigated row crops on Class I and II soils, such as those found just north of Arroyo de la Cruz, would qualify for 20 and 40 acre minimum parcel sizes respectively.<sup>55</sup> In short, under this ordinance, it is conceivable that upwards of 150 parcels could be created on the Hearst Ranch (48,000 approximate acres in the coastal zone divided by 320 acre parcel minimum). Uses on these parcels would most likely be limited to residential development, particularly given the need to show that agricultural development is not viable in order to get a supplemental, non-residential use (Coastal Plan Policy 4 allows single-family dwellings and accessory buildings necessary to agricultural uses.) Still, because the LCP effectively allows two residences on agricultural lands -- one primary residence and one residential unit associated with farm support, there is a hypothetical development potential of some 300 residential units on the Ranch.<sup>56</sup> Of course, as discussed below, it is also likely that the actual number of potential parcels on the Ranch is much smaller, given the likelihood that viable grazing parcels are probably closer to 1800 acres. Thus, 300 is an extremely conservative estimate.

It is also unclear at this time exactly how many legal parcels of record already exist on the ranch. Staff has not been able to establish conclusively at this time the number of actual or potential legal lots of record. The County has used the figure of 114 parcels on the Ranch for their buildout analyses, although many of these appear to be arbitrary 640 acre sections established by the assessor for tax purposes. The County's Combining Designation Maps, on the other hand, suggest that there are only six actual parcels, including very large portions of the original Rancho Piedra Blanca. Nor has the Hearst Corporation been able to supply the Commission with a conclusive answer to this question. Without more detailed legal research, it difficult to know if many more legal parcels exist that might allow non-agricultural development.

As a whole, application of the updated NCAP and LCP could conceivably result in substantial new development beyond the visitor-serving development anticipated around San Simeon Point. Considerable uncertainty exists concerning the existing legal parcelization of the Ranch, the application of the Agricultural land division policies, and the allowable uses on Agricultural lands. And while it may appear that the existing policies provide strong protection against future non-agricultural development on the Hearst Ranch, there is no *permanent* guarantee of protection against such an occurrence. Again, this is why the Commission originally put an agricultural easement over the remainder of the Ranch -- to allow concentration of development at a single location and to retire other, future development potential.

To be sure, however remote the conversion of the Hearst Ranch to non-agricultural uses may seem to some, the legal, economic, and physical landscape of the Ranch will change dramatically with the introduction of non-agricultural uses at Old San Simeon, even as further limited by these findings. Once in place, non-agricultural development will exert pressure on the surrounding lands to convert to non-agricultural uses, as is typically the case for agricultural lands that are encroached upon by urban uses. Conflicts between urban and agricultural uses inevitably follow. Land values increase, and the rural non-intensive character of agriculture is quickly overtaken by the more intense urban uses. For example, with the additional visitor traffic to the new Hearst Resort development, the strip of Highway One between San Simeon Acres and the Hearst Castle Visitor Center may be increasingly attractive to non-agricultural developers. If the visitor-serving uses turn out to be profitable, the market value of the land adjacent to those uses may increase. Expansion of the visitor-serving uses (or different related facilities such as filling stations and snack bars) will then become more economically feasible.

The introduction of non-agricultural uses in an agricultural zone also initiates new conflicts between incompatible uses that often set in motion a domino effect of conversion of surrounding agricultural lands. The Coastal Act acknowledges this possibility by allowing for the conversion of agricultural lands much more easily in and around existing urban uses than would be the case in an undeveloped rural area. In short, the decision to allow non-agricultural uses *at all* is the most important land use decision.

Moreover, even without the introduction of new visitor-serving development on the Hearst Ranch, the North Coast area has been experiencing increased growth and pressures for development outside of existing developed areas. This includes efforts to convert agricultural lands in and around Cambria; as well as increased subdivision and intensification of rural lands on the periphery of Cambria. For example, in 1992, a massive proposal for a subdivision on CT Ranch was proposed that would have converted 258 acres of agricultural land to residential uses.

Overall, it is clear that the specter of non-agricultural development on the remainder of the Hearst Ranch is real, notwithstanding the County's existing LCP and the proposed changes to the NCAP. Just as when the Coastal Act was first adopted, the problem of sprawl and the conversion of rural agricultural lands continues to a problem for communities and land management agencies.<sup>57</sup> As with most urban-agricultural interfaces in the United States, growth pressures are constantly encouraging the conversion of agricultural lands, given the disparity of land use values. Moreover, even if future land

divisions maintained agricultural uses on the North Coast, the special rural agricultural character of the very large single Hearst Ranch holding, unchanged for at least 130 years, would be dramatically changed by such events. One hundred and fifty ranchettes, or numerous dude ranches and health resorts, would bring a significant change to the rural north coast of San Luis Obispo County, to say nothing of the resource impacts entailed with such a development trend.

In short, the existing NCAP and LCP do not provide a permanent or more lasting guarantee that the agricultural character of the Hearst Ranch will be preserved. This goes against the legislature's call for "permanent" protection of significant coastal resources stated in the Coastal Act Section 30001(b). More important, the NCAP allowance of visitor-serving development beyond Old San Simeon is inconsistent with Section 30242 because it does not guarantee the concentration of development consistent with Section 30250(c). Too much development potential remains under the updated NCAP.

### ***Mitigation and Buffering of Non-Agricultural Development Impacts***

Apart from its failure to concentrate development, the updated NCAP also does not address the Coastal Act requirements to mitigate for, and buffer the impacts of new non-agricultural development. The Coastal Act is clear that nonagricultural development must be "compatible with continued agricultural use on surrounding lands" (Section 30242). Section 30241(e) requires that nonagricultural development "not impair agricultural viability, either through increased assessment costs or degraded air and water quality." The Coastal Act is also clear that buffers should be used between urban and agricultural uses, apart from any mitigation concerns, as a way to minimize conflicts between these uses (Section 30241). The existing LCP and NCAP provide no effective assurance that adequate buffers will be in place for the eventual non-agricultural development at Old San Simeon. Without such buffers, nonagricultural development would continue to threaten the continuing viability of the grazing operation on Hearst Ranch.

The visitor-serving development at Old San Simeon is also only appropriate as a conversion of agricultural lands if it will not have any adverse effects, either individually or cumulatively, on other coastal resources (Section 30250). As discussed elsewhere in this report, such impacts include additional traffic on Highway 1, which is currently overcommitted in this portion of San Luis Obispo County, potential adverse impacts on environmentally sensitive habitat areas, especially water and riparian zones, and the introduction of moderately intensive non-agricultural development into the rural viewshed.

Currently, there is no policy in the NCAP that takes into account the need to mitigate the impacts of non-agricultural development at San Simeon not only on surrounding agriculture, but other important coastal resources as well. And while there are existing standards for agricultural development in the updated NCAP, these do not provide for a method of mitigating the impacts of the Commercial Visitor Serving development but rather, are oriented towards providing criteria for future land divisions on the agricultural portions of the Hearst Ranch. In short, the updated NCAP is also inconsistent, with the buffer, mitigation, and general resource protection requirements of the Coastal Act.

### ***Modifications for Consistency***

As proposed, the updated NCAP is inconsistent with the Coastal Act Agricultural protection policies. In previous actions concerning the Hearst Resort development scenarios, the Commission has resolved such inconsistencies by requiring that an agricultural easement be placed over the remaining agricultural lands in the coastal zone to concentrate development potential, protect against the further conversion of agricultural lands, and to provide appropriate mitigation and buffering of non-agricultural development. The Commission has adopted similar policies for the Santa Barbara, San Mateo, Santa Cruz, and Marin County LCPs. The San Mateo easement policy was legally challenged (*Clayton v. Coastal Commission*, County of San Mateo) shortly after the LCP was certified but was upheld.

The reintroduction of an easement policy for the remainder of the Hearst Ranch would be an effective way to concentrate development at Old San Simeon, and thus bring the NCAP into conformance with Section 30242. However, a much simpler method for concentrating development at Old San Simeon, that would also avoid the need for an expansive easement requirement, is to add a standard to the NCAP that *limits* the allowable uses on the Hearst agricultural lands to only those that are actually agricultural, and that do not allow for additional residential development along the rural north coast. As detailed in Modification 94, this would preclude such uses as dude ranches and health clubs, as well as non-agricultural commercial and industrial development.

Changing the allowable uses on the remainder of the Hearst Ranch also has the added advantage of focusing the determination of the appropriate intensity of development at Old San Simeon under the Coastal Act, precisely because it is a mechanism of effectively moving the hypothetical development potential on the Ranch to a single location. As previously discussed, one potential development scenario for the Hearst Ranch is that the Ranch could be divided into 150 viable parcels of 320 acres each. Again, this is a conservative estimate (with the actual number of parcels probably much lower), but it is a reasonable assertion for the sake of calculating development potential for analysis under Section 30242. For the purposes of calculation only, up to 300 residential units, including farm labor residential housing, could be allowed on these parcels. If these uses were no longer allowed by the NCAP, in exchange for concentrating them at Old San Simeon, the NCAP would be consistent with section 30242.

However, 150 of the potential units would, under the County's LCP, necessarily be associated with agricultural uses. Thus, to not preclude effective management of the grazing capabilities of the Hearst Ranch, particularly given economic uncertainty in the agricultural sector, it would be prudent to leave some potential auxiliary farm housing on the Ranch. Currently, there are at least 23 residences on the ranch, many of which serve the 48,000 acres of Hearst Ranch in the coastal zone. Allowing an additional 25 units would appear to be more than an adequate buffer for long term future agricultural uses on the Ranch. Indeed, as discussed below, a more accurate estimate of the number of viable agricultural parcels in the coastal zone, is probably more on the order of 26. Leaving a potential 25 residential farming units on the Ranch also would mean that 275 units are appropriately moved to the Old San Simeon site.

Allowing the concentration of 275 units at Old San Simeon through a use limitation on the remainder of the Ranch also makes sense in the context of 5<sup>th</sup> amendment Takings

jurisprudence. As already discussed, there is no question that the Hearst Ranch is a viable grazing operation. In short, the Ranch as currently developed is an economically-viable use. Still, as just discussed, there may be some potential for additional development through the future subdivision of the Ranch. However, moving 275 units to Old San Simeon would effectively acknowledge any development potential, however remote, that might exist on the Ranch. Indeed, 275 units is most likely much too high, particularly given the fact that any future subdivisions must result in parcels that are economically viable under the County's policies. Thus, in the original certification of the County's LCP, the Commission considered a minimum parcel size of 640 acres as appropriate on the Hearst grazing lands. But even this size parcel must be considered conservative for an area such as Hearst Ranch. Another viability analysis conducted by the Commission found that the appropriate parcel size to maintain grazing viability on the Hearst Ranch was more on the order of 1800 acres.<sup>58</sup> This would result in only 54 residential units, assuming the allowable two units on each parcel. Without further detailed viability and parcelization analysis, it is difficult to pin down the allowable development potential of the Ranch. Overall, though, the suggested modifications would not interfere with the existing economic use of the Ranch. If the NCAP is modified to limit the allowable uses on the remainder of the Hearst Ranch to only agricultural uses, including a maximum 25 units of farm housing, *as a way of effectively concentrating 275 units of potential development*, the NCAP would be consistent with Coastal Act Section 30242 protection against the conversion of agricultural lands. As discussed in the Development Findings, these units must also be located with the specified development envelope at Old San Simeon to be consistent with the other resource protection policies of the Coastal Act. In addition, because zoning and land use designations may be changed by future decisionmakers and to provide permanent protection of agricultural land for the duration of non-ag uses at Old San Simeon, it is important to have at least a minimum permanent buffer protection around the Old San Simeon non-agricultural development envelope. Therefore, Modification 97 requires that a 1000 foot agricultural easement be placed around the immediate development envelope. Finally, to physically buffer the proposed visitor-serving development with the immediately surrounding agricultural uses, all development within the development envelope should be set back at least 100 feet unless no conflict would result (see Modification 97).

As suggested above, the agricultural easement is necessary because the NCAP as modified will be allowing the creation of a *new*, more intensive node of non-agricultural development at Old San Simeon. The limitation of non-agricultural uses on the remainder of the Hearst Ranch put in place by modification 94 will not provide adequate, *permanent* protection against future potential redesignations of Agricultural lands surrounding this Old San Simeon development node. Thus, a stable urban-rural boundary is not provided by this modification as required by Coastal Act Section 30241(a).

In particular, once a non-agricultural node is in place, the standard for converting surrounding agricultural lands is not as strict. Under Section 30241, agricultural conversions may be allowed on lands surrounding urban areas where the viability of existing agricultural activities is limited by conflicts with urban uses. Moreover, under Section 30242, conversion of agricultural lands is allowed if it concentrates development consistent with Section 30250. As discussed above, without protections in place, it is



possible that the NCAP may be amended in the future to allow non-agricultural uses on the Hearst Ranch. More important, once the visitor-serving development node is established at Old San Simeon, the economic incentives for non-agricultural expansion will inevitably increase around this already developed area. Land also could be transferred to property owners with no particular interest in maintaining the grazing uses currently operating on the Hearst Ranch. There are a multitude of examples throughout California where the conversion of isolated pieces of agriculture to urban uses has set the stage for subsequent conversions of the neighboring lands. In short, once the decision is made to allow a more intensive node of development, the potential for future incremental conversion of surrounding agricultural lands is increased.

To protect against such a likelihood, a permanent agricultural easement is needed that will guarantee a stable urban-rural between Old San Simeon and surrounding agricultural uses. This is required by Coastal Act Section 30241(a). Section 30001(b) also states that the *permanent* protection of the state's coastal natural and scenic resources is a "paramount concern to present and future residents of the state and nation." Hence, modification 97 requires an permanent easement of 1000 feet encircling the recommended development envelope. This would place approximately 180 acres around the Old San Simeon development node into permanent agricultural protection. It would also provide a sufficient spatial protection of the node from future expansion by effectively precluding any non-agricultural development with a functional or adjacent connection to development at the Old San Simeon node.

### ***Consistency with Other Agricultural Parcels and Existing LCP***

Finally, is important to recognize that the limitation of uses on the Hearst Ranch is not inconsistent with the treatment that other Agricultural lands in the North Coast would receive under the NCAP. First, as a general matter, the LCP strikes the same balance against agricultural conversions as does the Coastal Act. A finding that agriculture is not feasible must be made to allow non-agricultural development. Assuming that such finding has been made, the LCP would then limit non-agricultural uses to a range of low intensity visitor-serving and commercial uses, on the rationale that such uses would be *supplemental* to the primary agricultural use. The intent of the LCP is maintain agricultural lands by allowing a limited number of supportive non-agricultural uses. Notably, intensive developments such as hotels and motels, are not allowed under Table O of the LCP. The final piece of the LCP policy is the requirement that any proposal for supplemental non-agricultural uses must provide for the protection of the remaining agricultural lands, through an agricultural or open space easement. In no case may non-agricultural development exceed 2% of the gross acreage of the subject parcel(s). (see Policies 1, 3; CZLUO 23.04.050). This mitigation mechanism is an essential feature of the agricultural protection policies of the LCP.

As described earlier, a similar rationale was applied on a property-wide scale to the Hearst Resorts proposal in the Commission's original LUP findings. When the Land Use Plan portion of the County's LCP was approved in 1984, the Commission agreed that a some visitor serving facilities could be located on the ranch if the remainder of the coastal zone portion of the site was retained in agricultural use through the use of an agricultural easement, similar to the County policy and ordinance described above. Overall, the most

important feature of the original easement policy of the NCAP was that it allowed the Commission to effectively treat the Hearst Ranch non-agricultural development in similar fashion as non-agricultural development under the newly-approved LCP. In essence, the Hearst Ranch easement was the precursor to the existing LCP easement policy for non-agricultural development on agricultural lands. Unfortunately, the adopted findings of the 1988 approval of the easement deletion failed to consider the inconsistency that such deletion would create with the larger LCP. Moreover, Hearst Ranch land has already been designated for a supplemental Non-Agricultural use and thus the typical County process for non-agricultural development does not apply. In short, since the deletion of the easement requirement, the non-agricultural development on the Hearst Ranch is effectively given special treatment under the current LCP, as well as the modified NCAP. Moreover, focusing the limitation of use policy on the Hearst Ranch is appropriate because it is the Hearst Corporation that is requesting the introduction of non-agricultural uses into viable grazing lands. Were other property owners to do the same thing, they would be subject not only to the easement policy of the County, but also would have to make a showing of non-viability, a finding that has never been made for the Hearst Ranch.

## **2. Other Agricultural Land Use Changes**

The County has proposed numerous miscellaneous conversions of Agricultural lands throughout the planning area. In addition, the CCSD has submitted a request that certain lands currently being used for the District's water supply facility, as well as disposal for effluent from the District's treatment plant, be redesignated from agriculture to public facility. More detail on these changes, and a discussion of their consistency with the Coastal Act, particularly section 30242, is provided in the next section. Except for the Rhodes redesignation, the following proposed changes are indicated on Map 1 of the NCAP -- *North Coast - Rural, Land Use Categories*.

### **1. County Line, RL to AG**

Because of its significance to the visual resources of the rural North County, this proposed redesignation is discussed in the Visual Resource Findings. (Please see Suggested Modification 137 (Map 1))

### **2. Hearst Castle Staging Area, 37 acres AG to REC**

Due to a mapping error, a small portion of the State Parks 37 acre site for the Hearst Castle Staging Area was zoned Agricultural instead of Recreation. This redesignation from Agriculture to Recreation would bring the planning designation into conformance with the existing use of the State Parks Parking and Staging Area for Hearst Castle. No change in land use would occur. As such, this redesignation is consistent with sections 30241 and 30242.

### **3. Warren, 12 acres AG & REC to CS & AG**

No agricultural feasibility findings have been made by the County for this redesignation. The County's Agricultural Capability Evaluation show the site to be Class I irrigated soils

and Class III non-irrigated. The evaluation concludes that "the soils, climate, and topography are good to excellent for agricultural uses." (V. 6, 5-14). However, the County also found and staff site visits confirm that the existing two acres zoned agricultural has already been converted to a gravel truck parking facility; and that it would be difficult to convert the lands back to agriculture. Additionally, two acres is below a viable parcel size for agricultural use. As such, the redesignation would be recognizing a non-conforming use. The number of uses allowed are, however, too great and would allow the inappropriate extension of existing uses which could result in impacts of adjacent agricultural lands. Suggested Modification 76 therefore limits the uses to avoid impacts that would be inconsistent with Coastal Act agriculture protection policies.

#### **4. P.G.&E. Substation, 1.5 acres AG to PF**

This redesignation from Agriculture to Recreation would bring the planning designation into conformance with the existing non-conforming use of the P.G.&E. substation. No change in land use would occur. As such, this redesignation is consistent with sections 30241 and 30242.

#### **5. Soto, 2.5 acres AG to CR**

No agricultural feasibility findings have been made by the County for this redesignation. The soils for this site are Class II irrigated and Class III nonirrigated. It is currently used for cattle grazing as part of a larger 150 acre parcel. Although the County found that this proposal would not result in a significant loss of agricultural land, no finding that agricultural use is no longer feasible has been made. Nor would this conversion preserve prime lands or concentrate development consistent with section 30250. Therefore this redesignation is inconsistent with the Coastal Act section 30242 and must be denied. (Modification 137 Map Changes)

#### **7. Hearst Secondary Amendments, 70 acres AG to CR and REC**

No agricultural feasibility findings have been made by the County for these redesignations. No agriculture evaluation of the Ranch has been made. These conversions do not fall under any of the exceptions to the Coastal Act prohibition on conversion of Agricultural lands. As such, these conversions are inconsistent with section 30242. It should be noted that the further conversion of agricultural lands for an expanded golf course (not currently before the Commission but anticipated by the Hearst Corporation) will need to be evaluated under section 30242. Barring a finding that agricultural use is not feasible, such conversion would also be inconsistent with the Coastal Act. (Modification 137 Map Changes) Of course, further analysis for Coastal Act consistency under all of the Chapter 3 policies, not only section 30242, will be needed if such an amendment is submitted to the Commission. That is, as discussed elsewhere in these findings, a finding of viability does not mean that a particular use, such as a golf course, is otherwise consistent with the Coastal Act.

#### **Rhoades/Crawford: 1 acre AG to CR (Map 8, #6)**

This site is four acres of a larger 495 acre parcel. These four acres were cut off from the rest of the parcel when Highway One was relocated in the early 1960's. The site is vacant,

and is located on West Lodge Hill near the southern edge of Cambria. The site is gently sloping and covered with grasses. The proposal would change the land use designation on only one of the four acres nearest the intersection of Highway One, Ardath Drive, and Green Street. The proposal also includes moving the Urban Services Line, which currently abuts the site, to encompass the one acre proposed to be redesignated.

The County is proposing changing the land use designation on only one of the four acres in order to preserve views, neighborhood character and scale, and to not add excessive traffic. The County has proposed standards which would limit the commercial use to neighborhood-serving grocery store, caretakers quarters, and residential accessory uses (NCAP 7-77). The standard also provides for multi-family dwellings at a maximum of 15 units per acre. It is unclear why this intense residential use would also be allowed, especially when another standard limits use to a neighborhood grocery store, and when traffic impacts are a concern.

The County did not perform an agriculture viability study. The site does not contain prime agricultural soils and but does contain non-prime agricultural land suitable for lower intensity agricultural uses. This conversion would not preserve prime lands and agricultural use has not been shown to be infeasible. The proposal also would not concentrate development but rather, would expand the Urban Services line to allow for more intensive commercial development. These features alone make this conversion inconsistent with Coastal Act sections 30242 and 30250. More important, the proposal would bring additional land and uses within the Urban Services Line, potentially requiring provision of services, such as water, which currently are in short supply. Therefore, the proposal is inconsistent with Coastal Act sections 30250 and must be denied (see Modification 137, Map Changes).

### **Cambria Community Services District, 104 acres AG to PF**

This proposal is to redesignate 104 acres used by the CCSD for its primary water supply facility from Agriculture to Public Facility. Approximately 32 acres of the site are used for existing infrastructure, including percolation ponds, a reservoir, spray fields and miscellaneous support uses. Another 32 acres is riparian stream habitat or archeological sites. The CCSD is also proposing to site a desalination facility here (1.3 acres, See Development Findings). In the Commission's conditions for this desal facility, the Commission required the CCSD to request the County to redesignate the desal site to Public Facility.

Much of this site is already in public facility use. In the Commission's permit approval for the CCSD desalination plant, the Commission included a condition that the CCSD request a redesignation of the plant site to public facility to reflect this use. However, at this time, no findings have been made to justify the conversion of the relatively undeveloped, presumably viable agricultural land on the east half of the site. Although there are some existing water production wells here, most of this half remains undeveloped. In addition, the site contains sensitive creek habitat. Recently, the County denied the CCSD's request. As an alternative to redesignating part or all of the CCSD site, the County has proposed that a separate LCP amendment be considered that would allow for more detailed

assessment of the site constraints, including impacts to riparian habitat and the creek. This would allow the Commission and County staff to work more closely in tandem on the appropriate, detailed assessment and designation of the site. Therefore, no redesignation of this site should occur at this time. However, the County should pursue with the CCSD the submittal and assessment of a separate LCP amendment as soon as possible.

### **3. Water for Agricultural Uses**

As discussed in the Development findings, water supply is a serious issue for the entire North Coast Area. Given its priority status under the Coastal Act, agriculture demands for water must take precedence over all but environmentally sensitive habitat needs. Therefore, to bring the NCAP into conformance with the Coastal Act, the NCAP should be modified to assure that no agricultural uses are compromised by the use of existing water supplies for non-agricultural development (see detailed discussion in Water Supply Findings).

# Environmentally Sensitive Habitat Areas

## Applicable Coastal Act Policies

Coastal Act Section 30107.5 defines environmentally sensitive areas as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. Within environmentally sensitive habitat areas (ESHAs), Coastal Act Section 30240(a) requires protection against any significant disruption of habitat values. Only uses dependent on those resources shall be allowed within ESHAs. All areas meeting the definition of ESHA must be protected from significant disruption. Section 30240(b) requires the buffering of ESHAs, to prevent impacts that would significantly degrade these areas.

Under Coastal Act Section 30231, the biological productivity of coastal streams must be protected and, where feasible, restored; riparian corridors and habitats must be protected; depletion of groundwater must be prevented; substantial interference with surface water flows must be avoided, and alteration of natural streams minimized; and runoff needs to be controlled, all to protect water quality. Additionally, Coastal Act Section 30233 limits development in wetlands to a few particular categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

Finally, Section 30230 protects marine resources, and requires special protection for areas and species of special significance; Section 30231 also calls for minimizing the adverse effects of waste water discharges.

## Overview of North Coast Environmentally Sensitive Habitats

A rich variety of environmentally sensitive habitat areas (ESHA's) are found in the North Coast Planning Area. This section provides a detailed overview of each of these.

### ***Steelhead Streams***

There are at least seven streams in the North Coast Planning Area that support steelhead trout (steelhead): San Carpoforo Creek, Arroyo de la Cruz, Pico Creek, Little Pico Creek, San Simeon Creek, Santa Rosa Creek and Villa Creek. The California Department of Fish and Game's 1996 "Steelhead Restoration and Management Plan for California" lists Arroyo de la Cruz, San Simeon and Santa Rosa Creeks as very important steelhead habitats. The steelhead is an "anadromous" fish, meaning that part of the steelhead's life

cycle is dependent on these freshwater streams, and part is spent at sea before returning to their spawning grounds. The steelhead has been recently designated as a “Threatened” species in the streams of the Central Coast under the Federal Endangered Species Act (1997). Because of their role as Threatened species habitat, maintaining the quality of the North Coast streams as steelhead habitat assumes even greater importance.

The amount of stream flow needed to support this species can be determined through a standardized protocol for biologic assessment termed the Instream Flow Study Methodology (ISFSM). The ISFSM collectively considers the spawning habitat, typically clean, well-washed gravels high in the watershed; rearing habitat, which requires the protection of the stream’s riparian corridor and coastal lagoon; and migratory route, including consideration of factors such as the presence of physical barriers or reaches of unshaded waters which may be too warm for this cool-water fish species.

Stream flows in the San Luis Obispo North County area are subject to extreme year-to-year fluctuations, with streams typically swinging from several years of drought-pattern flows to flood flows another year, and back again. Accordingly, biological assessments need to span at least five years. This period also coincides with the life cycle of the steelhead; the adult fish return to their home stream at variable annual intervals, perhaps after 3-5 years at sea.

### ***Other Riparian***

Steelhead are not the only species that benefit from the North Coast’s abundance of small but generally healthy streams. Both the red-legged frog, which has also been listed recently under the Federal Endangered Species Act, and the western pond turtle, are found on many North Coast streams. Native frog species tend to be quite sensitive to polluted water, so the persistence of these large frogs in nearly every stream on the North Coast is a good sign. Elsewhere in the State, this species has, in general, suffered a major population crash over the past few decades. Predation by the even larger, more aggressive, non-native bullfrog is a major problem. So is habitat loss due to stream alteration. For example, the Carmel River was once prime year-round red-legged frog habitat. Unfortunately, it no longer serves this function and is too often dry, due to dams, diversions, and overdrifting. A similar result could occur on such North Coast watersheds as Arroyo de la Cruz, where future diversions are expected to supply resort development on the Hearst Ranch.

### ***Wetlands***

The primary type of stillwater wetland on the San Luis Obispo County North Coast, is coastal lagoon. Nearly every one of the North Coast’s many streams forms at least a seasonal lagoon, when diminishing stream flows in late Spring combine with the annual buildup of the beach berm to create a barrier across the mouth of the stream. Here, both the juvenile steelhead and the Tidewater goby (a small fish, on the Federal Endangered list) find suitable summer habitat.

Significant lagoons typically form at San Carpoforo Creek, Arroyo de la Cruz, San Simeon

Creek, Pico Creek, Santa Rosa Creek, and -- just beyond the Planning Area boundary -- Villa Creek. Problems arise when the beach berm is artificially and prematurely breached. This usually comes about because development has encroached too closely on the wetland, and flooding becomes an issue. When juvenile steelhead are flushed to sea before they are ready (usually after the November rains, when the lagoons breach naturally), their survival is imperiled. The best solution is to insure adequate setbacks from the lagoon wetlands, through vigorous application of development standards. Fortunately, artificial lagoon breaching is not at the present time a common occurrence on the San Luis Obispo North Coast.

### ***Marine Resources***

Much of the San Luis Obispo County North County Planning Area is bounded by the California Sea Otter Refuge, which extends southwards to the mouth of Santa Rosa Creek; and by the Monterey Bay National Marine Sanctuary (MBNMS), which extends southwards to a point in Cambria just to the south of the Sea Otter Refuge (thereby encompassing all of the Sea Otter Refuge).

It is not generally appreciated that the southern end of the Big Sur Coast biome falls within San Luis Obispo County rather than Monterey County. North of San Carpoforo Creek within San Luis Obispo County, the shoreline is characterized by the extraordinarily steep cliffs and narrow kelp beds typical of the Big Sur Coast. Because it is favored by mother sea otters with pups, the area around the mouth of Salmon Creek, immediately north of the San Luis Obispo County line, was designated by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS). Point-source discharges are prohibited within the ASBS, which is cut off at the County line.

South of the San Carpoforo - Ragged Pt. area, the continental shelf becomes wider and more gently sloping. Consequently, the kelp beds are much wider, because the critical controlling factor in the seaward margin of the kelp beds is the depth to which sunlight penetrates. The kelp beds play a key role in the life cycle of many species, although they are best known as the primary habitat of the California sea otter, as a principal food source for abalone, and as nursery areas for many rockfish species. Kelp beds are commercially harvested as well, yielding industrial and pharmaceutical products as well as fodder for commercial abalone aquaculture.

From San Carpoforo Creek to Cambria, the shoreline is a long series of alternating beach and rocky environments. The rocky sections support one of the richest and most extensive tidepool habitat areas in the state. South of Cambria is the Harmony Coast, steeper and rockier, with much suitable substrate for kelp holdfasts. In the heyday of commercial abalone diving this was one of the most favored harvesting areas in California - and helps explain why the Sea Otter Refuge was halted at Santa Rosa Creek. Today, commercial abalone aquaculture has supplanted the depleted wild abalone stocks. Bordering the southern extremity of the North Coast planning area is The Abalone Farm, Inc. Their Harmony Coast location was selected, in part, because of the area's high water quality and absence of potential sources of future water pollution.

### ***Seals and Whales***



Besides sea otters, a substantial number of other marine mammals can be seen along the San Luis Obispo County North Coast. Several dolphin species regularly make their appearance just offshore. Large whales include the blue whale, humpback, and sperm whales, although the grey whale on its annual inshore migration is by far the most commonly seen.

All year long, harbor seals, sometimes with pups, can be spotted along the rocky shoreline of the Hearst Ranch. Sea lions frequent the same area. But the most remarkable recent trend since the LCP was certified, is the establishment of breeding colonies of elephant seals near Piedras Blancas Point -- within easy view of passing motorists on Highway One.

### ***Dunes***

Active coastal dunes are found at Piedras Blancas, as well as between San Simeon Point and Arroyo Laguna. Here, adapted native vegetation serves to stabilize these transient landforms. On more ancient dune surfaces, enough stability has developed to support woody species like oaks and sage, as well as enough grass to interest the occasional beef animal. An example of this type of landform extends north from San Simeon Point but, like the more recent active dunes, the stabilizing vegetation is vulnerable to disturbance.

### ***Monterey pine forest***

In San Luis Obispo County's North Coast Planning Area, a planted grove of Monterey pine graces the highly scenic tip of San Simeon Point. Native stands of this disjunct maritime pine species are found nearby, generally on the second-level marine terrace landform. Scattered groves range from Pico Creek at the southern edge of the Hearst Ranch, to near Cambria Air Force Station, at the north end of the Harmony Coast. The center of the stand is partly urbanized, but outstanding forest habitat is found immediately beyond the present urban/rural edge.

The Monterey pine forest at Cambria needs to be understood as a complete and dynamic habitat--understory and overstory, animals and interactions. At issue is preservation of habitat, not just trees. A frequent forest companion of the Monterey pine is the coast live oak. Both trees are vulnerable to deadly fungal infections: the live oak from oak root fungus, a frequent result of urban-style irrigation; the Monterey pine, from the notorious pine pitch canker.

### ***Other terrestrial plants***

San Luis Obispo County has been touted as a Spring wildflower paradise. Many rare species are found here -- according to the California Department of Fish and Game, 24 listed plant species occur in the County.<sup>59</sup>

One area in particular is a notable rare plant environment: Arroyo de la Cruz. This eleven square mile basin, behind Hearst Castle, empties into a substantial coastal lagoon north of Piedras Blancas. The entire watershed lies within the Hearst Ranch. Arroyo de la Cruz supports more than 520 species of plants, more than anywhere else in San Luis Obispo County. Five of these species grow nowhere else in the world: Arroyo de la Cruz mariposa lily, dwarf goldenstar, Hearst's manzinita, Hearst's ceonothus, and maritime ceonothus

(Source: California's Wild Gardens, 1997).

### **Terrestrial animals**

Two particularly interesting species are the California condor and the Monarch butterfly. The endangered condor is just now being reintroduced after near-extinction and a captive breeding program. In contrast, the Monarch Butterfly, in its annual migration, can number in the tens of thousands at a single overwintering site.

In San Luis Obispo County, the Monarch tends to favor the non-native eucalyptus tree as a favorite -- although historically, they were recorded mainly in Monterey pines and along streams, in sycamores. Despite its numbers, the Monarch is still vulnerable because it congregates only on one or a few "butterfly trees" in a grove. And, in Pacific Grove, it was discovered that even small amounts of chimney smoke from nearby development resulted in abandonment of overwintering sites.

## **Issues and Analysis**

### **1. Stream diversions for Hearst Resort Ranch development.**

The Hearst Ranch Resorts Plan, in the North Coast Area Plan, is predicated on Arroyo de la Cruz as the primary future water source. However, as discussed in the Development Findings, the anticipated levels of development at the Hearst Resorts will very likely deplete surface and groundwater flows needed for in-stream wildlife and riparian vegetation. Substantial data, cited in the "Development" finding above, demonstrate that this is problematical. For example, the proposed Hearst Resort developments currently contemplated by the LCP would require an estimated 700 acre-feet of water per year (AFY). However, the North Coast Area Plan Update EIR identified the hydrological safe yield to be only 430 AFY. It would appear that there is not enough water for the allowable level of development, let alone steelhead, red-legged frogs or riparian forest. Such a depletion would be clearly inconsistent with Coastal Act Sections 30240, 30230, and 30231.

Arroyo de la Cruz has been the subject of several specific studies regarding stream habitat. The most recent study released by the California Department of Fish and Game found that water diversions were already "impacting habitat quality and quantity." The report concludes:

*Protection of these areas will involve addressing future water rights issues by recommending against water diversion during the spring, summer and fall low flow-periods and recommending off-stream storage and diversion during the winter months only under certain high flow regimes.<sup>60</sup>*

It should be noted that the possibility still exists to divert water during high-flow periods; once biologic safe yield levels are established, this would suggest that stream flow or subflow could be tapped without disrupting the habitat of resident fish and wildlife. The Hearst Ranch under this scenario would have a variety of options for off-stream water storage. Two obvious choices which could be investigated include injection/extraction

wells in gravel aquifers; and, construction of a surface storage reservoir in one of the Ranch's many swales or arroyos.

Similar mismatches between projected water demand, and estimated stream capacity, exist on certain other streams in the area, as well. Of particular concern is the depletion of Santa Rosa Creek and San Simeon Creek for existing developed water supply systems. Of course, the idea of off-stream peak flow storage, as well as wastewater recycling/recharge, and better water conservation, would appear to be feasible alternatives for restoring these stream habitats.

### **Conformance with Coastal Act**

It is essential that the LCP's policies (including NCAP policies) not allow harm to in-stream and riparian habitats. This will require that development potential be adjusted to a point that water use will not exceed dependable water supply; that reliable data on the needs of natural systems be ascertained before development is approved; and that any water diversions be adjusted accordingly. And, where coastal streams are already overcommitted, that restoration, reclamation and conservation measures be encouraged.

The Arroyo de la Cruz water monitoring program referred to in the North Coast Area Plan (under Hearst Ranch Resorts Plan) is not, according to expert sources, adequate to reliably determine sufficient water flows for instream uses (including anadromous fish). Further, only a single year is required for the biological analysis, which if performed during an atypical high flow year would yield faulty results. Also, the analysis is allowed to be conducted concurrently with construction. This means that resort development would already be underway before it could be determined whether or not the water source is sufficient for the resort development and the instream biological resources. This is not a good idea. And, it is inconsistent with the Coastal Act requirement that new development must not significantly disrupt environmentally sensitive habitat areas.

However, these critical deficiencies can be remedied by clarifying and modifying the review requirements for each phase of the Hearst Ranch resorts development. Specifically, the existing water monitoring program can be appropriately modified, and the ISFSM methodology can be specified; a five-year data profile can be required, to account for the year-to-year stream variability; and the biological analysis can be specified as preceding (not concurrent with) permitting and construction. These measures can be reinforced with a prohibition on damming, diverting or overdrafting the stream in any way that would significantly disrupt the steelhead run, red-legged frog habitat, or riparian corridor. If so modified, these review requirements will be consistent with the Coastal Act Sections 30230, 30231 and 30240. (See Modifications 67, 72, 83-87.)

## **2. Other coastal stream and surface runoff issues.**

Non-point source pollution (meaning it doesn't come out of a pipe) is a concern on the North Coast of San Luis Obispo County. Careless grading in watersheds is causing downstream sedimentation of creeks, with subsequent impacts on aquatic wildlife and water supply (slows recharge rates). This problem is of particular concern with respect to the red-legged frog, another recently-classified Threatened species, and the Western

pond turtle, a candidate species now being investigated.

Intensively manipulated turf areas such as sporting fields and golf courses, are another concern. A typical golf course covers 100-200 acres of landscape, including fairways, tees and greens. Non-point source runoff results from fertilizer-laden irrigation water, which without careful attention can also carry excess herbicides, rodenticides, insecticides, etc.

### **Conformance with Coastal Act**

The proposed LCP Update proposes policies which would improve protection of some coastal streams from grading impacts. However, these policies have a serious failing in that they apply the SRA policies only to “blue line” streams shown on U.S Geological Survey quadrangles. Appeal experience, as with the Eady Motel project in Cambria, demonstrates that unmapped streams also have valuable riparian habitat. Therefore, this category of ESHA is not adequately protected by the LCP -- and the Update, as submitted, does not correct this rigid map-dependent approach. Therefore, the LCP (including the NCAP Update) does not conform with the Coastal Act requirements cited above.

The LCP specifically identifies only one proposed new golf course -- on the Hearst Ranch, along the shoreline northwards from San Simeon Point. The 18-hole golf course would be in close proximity not only to environmentally sensitive tidepools and other marine features, but would also require irrigation in some proximity to the dwarfed native oak groves on the crest of the ancient dune landform. Accordingly an added concern would be the oaks' susceptibility to oak root fungus.

The Update's proposed policies would mitigate these impacts, in part, by calling for adherence to an integrated golf course management regime derived in consultation with the Audubon Society (an Audubon representative stated that they were not consulted nor had they given their endorsement, regarding this particular course). However, deletion of the Hearst Resort golf course altogether, as proposed by the Suggested Modifications, would avoid rather than merely mitigate the potential impacts. Accordingly, as modified to delete the golf course, to prescribe a 100 ft. vegetated “filter strip” buffer for other (presumably smaller) sports fields throughout the planning area, and to strengthen criteria for grading in coastal watersheds, the NCAP would be appropriately updated consistent with Coastal Act Sections 30240, 30230 and 30231.

### **3. Marine water quality.**

Discharges from many sources harm the marine environment. As the 1989 Exxon Valdez accident so graphically illustrated, and numerous smaller incidents have confirmed, catastrophic oil spills remain a primary threat to the well-being of the coastal marine environment. Another serious concern is the cumulative effect of many smaller impacts to the marine environment. These would encompass both water quality impacts (including inflows from surface drainages) and the direct impacts of human activities within the marine environment.

Examples of existing and potential inflow impacts in the North Coast planning area include: (a) polluted runoff (resulting from careless grading, fires, overgrazing, failing septic systems, poor containment of silty soils on construction sites, increased urban-style

landscapes); (b) wastewater discharges (generally, treated wastewater from the CCSD plant but potentially untreated in event of a pumping system failure or catastrophic break in the SSCSD or CCSD bluff-edge sewage transmission lines); and (c) brine discharges from desalination plants (a plant has been approved for the CCSD but has not yet been installed).

Also during the past ten years, proposals to empty agricultural wastewater (carrying elevated levels of selenium, cadmium and other heavy metals) in the general vicinity of the Monterey-San Luis Obispo County line have been reported in the press. The purpose of such a pipeline project would be for remediation of toxic and/or mutagenic levels of contaminants that have accumulated in agricultural runoff in the San Joaquin Valley, especially around the now-infamous Kesterson National Wildlife Refuge.

In addition to the impacts of the on-shore components of such a pipeline, the resultant discharges would pose a serious threat to the resources of the MBNMS, and would also raise concerns with respect to the continued viability of abalone aquaculture at The Abalone Farm.

### **Conformance with Coastal Act**

The LCP was certified before current insights regarding the impacts of contaminated inflows. Our thinking has evolved considerably from the time when the ocean was seen as a means to dilute and dispose of land-generated pollution. Old assumptions regarding wastewater treatment plant outfalls no longer apply. New concerns have arisen, including reclamation/remediation schemes for distant valleys, and brine discharges from newly-available seawater desalination plants. The LCP, in its present (and updated) configuration, has not kept pace, and therefore is not adequate with respect to the Coastal Act's marine resource protection policies.

The attached suggested modifications would provide for synchronization with the regulations of the Monterey Bay National Marine Sanctuary (MBNMS), by prohibiting most new discharges that would directly or indirectly enter the Sanctuary. In addition, grading activities during the wet season would be subject to stormwater pollution prevention plan standards, even where the site is not large enough to trigger the requirement to obtain such approval from the Regional Water Quality Control Board. Also, new paved parking lots would be required to install and maintain grease/sediment traps. If modified accordingly, the North Coast marine environment will be better protected from the cumulative effects of polluted runoff and marine discharges; such modifications are an appropriate and necessary means to protect the waters of the MBNMS, and will provide for conformance with Coastal Act Sections 30240, 30231, and 30240.

## **4. Elephant seal colonization.**

Around the turn of the century, the Northern elephant seal (NES) had been hunted to the brink of extinction. Since receiving protection, their numbers have multiplied. A remarkable recent trend is the rapid colonization of the beaches around Piedras Blancas, which the

seals occupy on a seasonal basis. It is here that each year the females select a spot to call home. Next, the arrival of the massive bull elephant seals heralds a period of fierce, sometimes bloody rivalry in the breeding colonies. After the pups are born and weaned, the seals migrate northward to begin another yearly cycle.

New radio telemetry data from the ATOC Marine Mammals Study reveals that the animals migrate essentially in a straight line from the Gulf of Alaska; and, in foraging for food, dive to rather extreme ocean depths, well beyond other seals and even most whales. Yet, despite their amazing capabilities and multiplying numbers, the NES is still considered vulnerable. A primary reason for this is that because of the species' near-extinction, their genetic variability (and therefore the species' capacity to respond to disease, pollution and other stressors) has theoretically become extremely limited. Land use planning issues which could affect survival of the NES include water quality, especially impacts on food sources; harassment by ill-informed visitors, and competition for beach space where human recreational use is already established; and even highway location (evidence points to at least one automobile-NES collision already).

At the same time, the immediate visibility of these large animals, in substantial numbers and at close range, offers an extraordinary opportunity to stimulate public interest and awareness of the marine environment.

Pursuant to a coastal development permit granted to Caltrans for a realignment of Highway 1 in the vicinity of Piedras Blancas (CDP A-3-SLO-95-070), an interim NES management program has already been initiated. The interim management program includes docents, public informational displays, etc., and has already resulted in a substantial number of visitor contacts. Over the Thanksgiving 1997 weekend, 13 docents were on duty, with over 1300 visitor contacts. In addition, the U.S. Fish and Wildlife Service, and Calif. Dept. of Fish and Game will jointly provide enforcement patrols. The goal will be to reduce intentional and unintentional harassment of the NES on their chosen beaches, while also protecting the visitor from injury.

Several problems are evident, however. The docents who are doing the monitoring and visitor contact work have no support facilities, nor is there any particular authorization for such facilities in the LCP. The existing Piedras Blancas Lighthouse Reservation is well-situated for observing the elephant seal beaches, but the site is presently occupied by a National Biological Survey research activity and is not equipped to handle visitors. At present, visitors are not being allowed on the blufftop trail which connects Caltrans' "Vista Point 4" to the abandoned lighthouse. A key problem is that a long-range strategy and management program for the NES is lacking.

### **Conformance with Coastal Act**

The present NCAP was drafted before the NES began to occupy the Piedras Blancas beaches as major breeding colonies. As a result, these shoreline areas are not mapped as ESHA's, nor are there policies which provide development standards. Accordingly, the LCP is out of date. Further, the amendment as submitted does not address this issue either. Therefore, the environmentally sensitive breeding habitat of the NES is not

adequately protected from significant disruption, and the LCP is not in conformance with the Coastal Act requirements.

To provide for conformance with the applicable Coastal Act requirements, the LCP should recognize the value of the elephant seal “invasion” as a gateway public educational opportunity for the MBNMS; plan for appropriate human vs. seal management, to minimize dangers and conflicts; encourage designation of adjacent waters as an area of Special Biological Significance (ASBS), to prohibit any new outfalls; and preclude any loss of habitat, for example, from rock revetments being placed upon seal beaches. Specific policies are needed to support a permanent management program; authorize seal and visitor management measures, including seasonal diversion of public access from the beach to the blufftop; designate a primary observation facility at Piedras Blancas Pt., and identify the needed improvements as allowable uses; prohibit encroachment of development onto beach habitats, especially where alternatives such as highway realignment are available; and to specify that the policies are applicable to all NES breeding habitat, not just the previously mapped Sensitive Resource Areas (SRA’s).

If the NCAP amendment is modified to incorporate these needed policies, and the SRA habitat maps are updated, the LCP will adequately protect environmentally breeding habitat for the NES. Accordingly, with respect to the NES these modifications will bring the NCAP into conformance with Coastal Act Sections 30230 (marine resources) and 30240 (ESHA’s).

## **5. Native Monterey pine forest.**

Along the Pacific Coast, isolated groves of several different pine species (Monterey pine, Bishop pine, Santa Rosa Island pine, Torrey pine) provide some of the most interesting and scenic landscapes in the coastal zone. These isolated, or endemic occurrences, are termed maritime closed-cone forests. The closed-cone characteristic is typical for fire-influenced forest habitats. On a very hot day (rare in these foggy locales) or in response to fire, the cones open and release their seed. Following a light ground fire, a virtual carpet of seedlings can be found beneath the old tree, after winter rains.

Monterey pine is the type of maritime closed-cone forest found in the San Luis Obispo North County Planning Area. Within its native range, Monterey pine (*Pinus radiata*) is found in just four places: a small stand near Pt. Ano Nuevo at the southern edge of San Mateo County; the main stand, mantling the Monterey Peninsula; the Cambria stand, parts of which are the least disrupted of the remaining groves; and Guadalupe and Cedros Islands, a remote and little-known pine forest habitat off the Pacific coast of Mexico. The Guadalupe Island grove’s survival is uncertain, with fuelwood collecting, overgrazing by goats and severe soil erosion as primary threats. The U.S. groves, in contrast, are threatened primarily by habitat conversion (golf course development, urbanization), soil erosion (road grading, recreational overuse), and invasive exotic plants (*genista* or “broom”, pampas grass, acacia, eucalyptus, etc.). Commercial logging was an issue in the past, but today is largely confined to small salvage operations.

Fire exclusion may be another factor in the closed-cone forest. On the Monterey

Peninsula, reproduction is most vigorous in recently burned areas, but in the areas that receive the greatest fire-suppression efforts (i.e., the areas that have been divided and developed with residential estates) pine reproduction is weak or, in the best-manicured yards, altogether absent.

### ***Pitch Canker Epidemic: Land Use Planning Implications***

Adding to the list of concerns for Monterey Pine are two new threats: (1) genetic contamination by well-meaning but indiscriminate planting of hybridized nursery stock, nonetheless sold as “native Monterey pine”; and, 2) the pine pitch canker epidemic. According to the California Department of Forestry (CDF), pine pitch canker is a recently introduced, rapidly spreading fungal disease; Monterey and Bishop pines are especially susceptible. CDF believes that the fungal spores are unintentionally carried over long distances by conveyance of contaminated materials. Bark beetles contribute to the decline of infected trees, and typically kill the more severely infected. All three of California’s native stands of Monterey pines have now become infected; the status of the island stands in Mexico is unknown. Pitch canker was confirmed on the Monterey Peninsula in April 1992, then at the Ano Nuevo stand in December 1992, followed by the Cambrian stand in November 1994. As of March 1994, 25% of the trees in the northwest section of Carmel’s urban forest were infected; now, the symptoms can be seen throughout this square-mile City. CDF characterizes the threat to all native Monterey pine stands in California as “severe”.

At Cambria, trees with gross (obvious) symptoms of infection are not evenly distributed. In 1997 the greatest number of symptomatic trees (i.e. with symptoms typically displayed by, but not in every case necessarily caused by, pitch canker) were observed by Commission staff in the most urbanized parts of the town, where the stresses on the trees presumably are the greatest and where the most human activities implicated in the spread of the disease are concentrated. Outside the Cambria Urban Service Line (USL), fewer symptomatic trees have been observed (East/West Ranch, Cambria Cemetery, C.T. Ranch, Scott Rock area). The least-symptomatic of the observed areas, and presumably least disturbed part of this increasingly sensitive habitat, is the Monterey pine grove located within the Hearst Ranch, on the north side of Pico Creek just outside of San Simeon Acres. Here, observation of the grove from the public road revealed only one dead tree, causes unknown.

CDF, the USDA-Forest Service, and Forest Genetics Institute have now expressed concern that not only other maritime pines, but also other native pines in the Coast Range, Cascade Range, and the Sierra Nevada may become diseased. The fungus has been confirmed on a Bishop pine in Mendocino County. While redwoods have shown resistance in greenhouse tests, Torrey pine (from San Diego County), Ponderosa pine and even Douglas fir alarmingly demonstrated susceptibility in these tests.

No cure for infected trees is currently available. Thousands of trees are already dead. Nonetheless, it is important to limit the spread of the fungus until an effective means to deal with it is discovered, and disease-resistant stock can be made available. A small percentage of Monterey pine appears immune to the disease. Until the nature of this immunity is understood, it is critical that the maximum genetic diversity within the native



stands of Monterey pine be protected. CDF concludes:

The restricted native ranges of Monterey pine, Torrey pine, and Bishop pine heightens concern for the effect of pitch canker on these populations. Monterey pine is the most widely planted timber species in the world, and California's native populations represent a global resource for breeding programs. Pitch canker has the potential to reduce the genetic diversity of these species and the integrity of their native stands.

(Sources: The Cambria Forest, Taylor Coffman, Coastal Heritage Press, 1995; CDF Tree Notes #20, July 1995; California Forestry Note #110, CDF, Nov. 1995; Pitch Canker Action Plan, Appendix D to SLO County North Coast Area Plan public hearing document, Dec. 1996; Pine Pitch Canker Task Force Position Paper, California Forest Pest Council, Jan. 23, 1997; RFP for "Developing Programs for Handling...Infected Pine Material within the Coastal Pitch Canker Zone...", CDF, Dec. 1997.)

### **Coastal Act Conformance**

The San Luis Obispo County LCP recognizes the natural stands of Monterey pine forest around Cambria and San Simeon Acres as environmentally sensitive habitat areas (ESHA's). Outside the urbanized area of Cambria, these groves are appropriately mapped as Sensitive Resource Areas (Terrestrial Habitat), although natural meadows and clearings which are part of this overall habitat area are not shown within the SRA boundaries. Since the LCP was first certified in the mid-1980's, we have gained an improved understanding of the Monterey pine forest as an ecosystem. At the same time, increased pressure for incremental urbanization and the new threat of pitch canker disease have become serious concerns. Therefore, especially in light of the pine pitch canker threat, minimizing the loss of native Monterey pine habitat to other causes (urbanization, recreational overuse, invasive exotic plant species) has become a much more important consideration in land use planning.

San Luis Obispo County has responded to the challenge in several important ways. These measures include a substantial number of proposed additions and changes to the LCP, all included in the North Coast Update amendment. Specifically, these changes include: a call to create a "Forest Management Plan", backed by a Forest Management District to provide for long term management of the forest; integration of the erosion control program (which is supported by a fee of \$400 per new unit); a proposed new Open Space District, "to begin purchasing many of the small and substandard lots in Cambria"; updating and expanding the existing Lodge Hill TDC (Transfer of Development Credit) program; and, a new Monterey Pine Forest Habitat Combining Designation for the already-subdivided portions of Cambria, which provides a detailed set of standards for development siting, building site protection, and native vegetation removal.

A proposed forest mitigation bank, funded by impact fees, would help to implement these strategies. These LCP changes represent a robust response to the Pine Pitch Canker Task Force's recommendation, to "Incorporate what is known about pitch canker into landscape, resource management and conservation plans" (Pitch Canker Action Plan, Nov. 1995).

In the Rural Lands and Agricultural land use designations outside of Cambria, the same development standards would apply within Monterey pine habitats. And, on Rural Lands near Cambria, specific density limitations (one dwelling unit per parcel), clustering, public view protection, slope protection (no structures on slopes over 20%), tree removal and tree replacement (4:1 for each removed tree) criteria are provided. As originally submitted (Dec. 1996), approximately two-thirds of the Rural Lands on the north side of Cambria (i.e., north of Santa Rosa Creek) would have a 160 acre minimum parcel size. And, the 250 unit "Pine Resort" on Agricultural lands within the Hearst ranch, north of Pico Creek, immediately adjacent to the native pine grove, was deleted.

However, the revised (June 1997) North Coast Update amendment presently before the Commission, contains a number of important deficiencies with respect to protecting native Monterey pine forest habitat from significant disruption. First, the "Pine Resort" site is reinstated in the Hearst Resorts Plan, with mere "encouragement" to consolidate at a more suitable location. Secondly, the minimum parcel size for the roughly 1,000 acres of Rural Lands north of Cambria is reduced from 160 acres back to a (mostly) 20 acre minimum, with one approximately 200 acre area of 35 and 55-80 acre minimums. Upon comparison to the 160 acre minimum, this will mean not only more residential clearing, but also dismemberment of the habitat through multiple access roads and driveway grading, a less distinct urban-rural boundary, and a much reduced opportunity for management measures such as prescribed burning. Both the proposed Pine Resort development and the residential development of the forest buffer around Cambria will predictably result in increased opportunity for human conveyance of fungal spores, increased soil erosion from disturbed areas, and other significant disruptions resulting from greatly intensified human activity, and are therefore inconsistent with the requirements of Coastal Act Sections 30240.

Specifically with respect to those parcels outside the Cambria urban reserve line variously identified as the (former) C.T. Ranch and the Brown Property (more specifically those areas shown as "Area A" and "Area B" on Figure 7-12 of the submitted NCAP Amendment 97-1 as revised by the Board of Supervisors on Aug. 5, 1997), the Commission finds as follows: Native pine forest habitat is more than just trees alone. It is the sum of its parts -- the understory plants, the oak saplings, the microflora and microfauna in the soil, gray tree squirrels and other indigenous wildlife, the meadows and pine savanna grasslands. This environmentally sensitive habitat must be considered as a complete ecosystem. This particular ecosystem -- Monterey pine forest and pine forest savanna -- except for existing clearings covers each of the identified parcels in "Area A" (954 acres) and "Area B" (276 acres). Therefore, any disruption must, under the Coastal Act, be limited to a level of insignificance.

Higher allowable densities mean more clearing, more roads, more dismemberment of the integrity of this ecosystem. A special concern is that more density means more entry roads for new houses, which equates to more corridors for the spread of pitch canker disease, *genista*, pampas grass and other undesirable invaders. From experience at Del Monte Forest on the Monterey Peninsula, we know that any density at all would inhibit forest management measures such as prescribed burning.

Accordingly, it is important to insure that the level of allowable density on these lands will not result in a significant disruption of environmentally sensitive habitat, as required by Coastal Act Section 30240. It is also necessary to distinguish the Cambria urban/rural boundary in as clear a way as possible. The current proposal, for a minimum lot size as small as 20 acres, will result in more of "suburban" density, which is not adequate to provide the unmistakably distinct urban/rural boundary that is needed. Also, this level of "suburban" density would result in at least eight times the environmental disruption that would result from a 160 acre minimum, as originally submitted in the NCAP Update document prior to the revisions of August 1997. We have also learned a great deal more from studies of pine forest habitat about the need for larger sections of habitat in order to sustain a viable, functioning ecosystem.

Habitat fragmentation is now recognized as a negative impact for most habitat types. This applies to Monterey pine forest habitat associations as well. On the Monterey Peninsula, the Del Monte Forest Area Land Use Plan (certified 1984) requires that such habitat areas be protected by maintaining "contiguous areas of undisturbed open space." It also explicitly requires that an unfragmented forest habitat area of about 400 acres, identified as the Huckleberry Hill Natural Habitat Area (including just under 200 acres of Monterey pine habitat), be set aside. Subsequent research reports identified the diminished extent of undisturbed Monterey pine forest habitat (*An Evaluation of California Native Monterey Pine Populations and the Potential for Sustainability*, Huffman and Associates for Pebble Beach Co., 1994; also *Monterey Pine Forest Ecological Assessment: Historical Distribution, Ecology, and Current Status of Monterey Pine*, Jones & Stokes Associates for the Nature Conservancy and the California Department of Fish and Game, 1994). These studies are referenced by the Pebble Beach Lot Program Revised Draft EIR (RDEIR, November, 1995), which states:

In light of the local and global importance of maintaining healthy natural stands of Monterey pine, and the unknown consequences of the threat posed by the recent advent of pitch canker . . . a conservative approach to habitat preservation is required (Vol. I, pg 4.6-70).

The RDEIR acknowledges that a firm scientific acreage threshold for ecological sustainability has not yet been established, but on the basis of the conservative approach identifies 200 acres as the minimum desirable area for a forest habitat mitigation site.

Finally, the surrounding, adjacent agriculturally-zoned lands are subject to a 320 acre minimum. And, the entire Cambria area already has too many lots relative to available water resources.

Overall, in light of the uncertainty about the appropriate acreage threshold for sustaining Monterey pine forest habitat, the need to clearly distinguish the transition from urban densities to agricultural densities, and the need to minimize new lots in the Cambria vicinity given water supply constraints, a substantial reduction in allowable density (i.e. 160 acre minimum parcel size) is not only warranted, but essential to insure that the amount of forest disruption is held to a level of insignificance. This measure would appropriately be complemented with a requirement that upon future subdivision and/or

residential development, a deed restriction be recorded advising future owners that the undeveloped balance of the forest habitat needs to be maintained in a natural condition. It should also be noted that the development limitation to 1% of a 160 acre parcel allows for a development site of nearly 70,000 square feet on each parcel. Thus, there will ample and reasonable economic opportunity to develop on the parcels that may be established within the environmentally sensitive pine forest habitat.

Within the Cambria urban reserve area, the main deficiencies are: the proposal to establish a “forest preserve” on the East/West Ranch is far too vague; and, the Monterey Pine Habitat Combining Designation needs clarification to specify that the measures for retention of native vegetation are mandatory, that any Monterey pines which are planted be from disease-free local Cambria stock only, and that invasive exotic species be avoided in landscaping.

However, Coastal Act conformance can be achieved by correcting the deficiencies noted above. The necessary suggested modifications delete the “Pine Resort” complex; specify a uniform 160 acre minimum parcel size for the north-of-Cambria pine forest, with a site coverage limitation of 69,696 sq. ft. (1% of 160 acres) and a requirement to record permanent protection measures for the undeveloped balance of each parcel (to insure long-run protection of the habitat and a stable urban-rural boundary); add similar specific permanent protection measures for the retained native pine forest on East/West Ranch, along with a Forest Management Plan requirement; and provide for adjustments to the Cambria urban area Monterey pine habitat Combining Designation, to assure that development impacts are minimized. Therefore, if modified as suggested, the LCP will conform to Coastal Act Section 30240 with respect to protecting the native pine forest habitat.

## **6. Reintroduction of California Condor.**

The California condor was near extinction when the remaining individuals were captured for a U.S. Fish and Wildlife Service (USFWS) captive breeding program. Previously, the USFWS had identified the Big Sur Coast along with the adjoining grazing lands in San Luis Obispo County, as part of the Critical Habitat for the condor.

In the days of Early California, condors were a common sight in San Luis Obispo County. Because large animal carcasses are their sole food source, the condors’ fortunes were tied to the abundance of grazing herbivores such as deer and Tule elk. Thus, it appears that when the native herbivores were replaced by cattle, condors initially made a successful transition. However, by the 1970’s the California condor had been declared an endangered species. Causes of the condor’s decline included illegal shooting, egg collecting, consumption of poisoned carcasses, etc. Now, no wild condor has flown over the San Luis Obispo County North County area for a number of years.

As of the end of 1997, this will change. Captive-bred condors were released on Dec. 12, 1997, at the Ventana Wilderness Sanctuary, a few miles north of the San Luis Obispo County line. Because these large soaring birds will forage up to 150 miles from their cliff-face nesting sites in the course of a day, all San Luis Obispo County North Coast

rangelands can expect to see wild condors once again. But, the longterm survival of the species is still tied, in part, to the fate of their food source. For the long run, condors will therefore need a maximum amount of grazing land to remain in production.

Thus, an additional concern that must now be added to the list of threats is the conversion of rangeland. This happens not only when grasslands are converted to developed urban uses, but also when cattle and fire are excluded. Both cattle grazing and occasional light fires will suppress invasion by woody species (“brush”). For example, when cattle were removed from Andrew Molera State Park in 1973, and not replaced with the native Tule elk, the dominant grasslands were gradually displaced by brush. This resulted in greater fuel loading, with several hot fires ensuing. The lesson is this: by suppressing brush, cattle reduce fuel loading, which in turn prevents too-hot fires that sear soil and reduce range productivity. A high level of range productivity would favor condor survival. Conversely, conversion of rangelands to other uses, or abandonment because of lack of economic viability, would amount to a “disruption” of condor habitat.

### **Conformance with Coastal Act**

For the condor, maintaining sufficient food sources will be a key to survival. The LCP’s minimum parcel sizes (20 acres in the Rural Lands category, 320 acres [for grazing land] in Agriculture) are not by themselves sufficient to assure the continued presence of the herds -- which, through mortality, assure a food source for condors. And, while the North County rangelands constitute Critical Habitat as defined by the Endangered Species Act, the condors’ (extremely) far-ranging habitat requirements illustrate several other truths: a) the well-being of an endangered species is not necessarily incompatible with human economic use of the landscape; b) if the condors’ feeding habitat is considered an ESHA, the disruption of such habitat would have to be a substantial acreage in order for the disruption, in terms of Coastal Act Section 30240.a, to be a “significant disruption”; and, c) the County can not rely on the LCP’s SRA (Sensitive Resource Area) maps alone for determining where the ESHA policies will be applied.

Therefore, the LCP should recognize continued cattle ranching’s value to condor recovery, by maintaining the characteristic oak/pine savanna grassland landscapes. Of these rangelands, by far the most significant is the approx. 77,000 acre Hearst Ranch. To the extent that the LCP and the amendment fail to protect the Hearst Ranch and other rangelands from conversion, habitat for grassland-dependent species will be disrupted. Accordingly, as identified in the Agriculture chapter of these Findings, modifications are needed to insure that the maximum area of grazing lands will be retained. Adoption of these modifications will minimize the risk of disruption of rangelands which play a habitat role for the condor, and with respect to these habitats, will bring the LCP into conformance with Coastal Act Section 30240. At this time in the reintroduction process, there does not appear to be a need for LCP amendments specific to the condor; this could change, however, if (for example) a nesting site is established on the cliffs north of Ragged Pt.

## **7. Other ESHA’s on the San Luis Obispo County North Coast.**

Many other plant and animal species make their home on the San Luis Obispo County

North Coast. Some of these are listed as endangered, rare or threatened. Several of these, such as the California brown pelican and American peregrine falcon, do not present direct development or land use issues. However, for other species, land use policies will be pivotal in determining the survival or extinction of the sensitive plant or animal population.

The LCP's Coastal Plan Policies document (LUP) defines ESHA's as follows:

*Environmentally sensitive habitat areas are settings in which plant or animal life (or their habitats) are rare or especially valuable due to their special role in an ecosystem. Designation of environmentally sensitive habitats include but are not limited to 1) wetlands and marshes; 2) coastal streams and adjacent riparian areas; 3) habitats containing or supporting rare and endangered or threatened species; 4) marine habitats containing breeding and/or nesting sites and coastal areas used by migratory and permanent birds for resting and feeding.*

In the LUP's "Background Report" text preceding this definition, the list of sensitive habitat areas also includes "unique plant habitats...; rocky points; intertidal areas; and kelp beds." More specificity is provided by an accompanying table, which lists the following sensitive habitat features located in the North County Planning Area:

- a. plant community -- *Arroyo de la Cruz* (recommended for National Landmark), Piedras Blancas Dunes (also recommended for National Landmark), and Cambria -- Monterey Pine Forest;
- b. rare and endangered wildlife range -- American peregrine falcon, and California sea otter;
- c. coastal -- San Simeon Lagoon.

In the "Wetlands" subsection, additional wetlands are identified: San Carpoforo Creek Lagoon, Arroyo de la Cruz Lagoon, Santa Rosa Creek Lagoon, and Pico Creek Lagoon. In the "Terrestrial Environments" subsection, "unique plant habitats" are identified as endemic plant species, endangered plant species, and "representative natural plant communities." Near-shore reefs are added by the "Marine Habitats" subsection.

However, there are additional, specific categories of ESHA which are found in the North County Planting Area, but are not identified as such. For example, the North Coast Update amendment as originally submitted recognized the value of the eucalyptus grove at San Simeon as potential Monarch butterfly habitat (the Monarchs utilize particular trees, or clusters of trees, often the introduced eucalyptus, as mass over wintering sites, hence the term "butterfly trees"). However, the current language of the amendment makes no mention of this particular habitat phenomenon.

North of the planted pine, cypress and eucalyptus groves at San Simeon Pt., and westerly of the San Simeon Fault, an ancient dune landform, with a characteristic sandy surface, rises between Highway 1 and the shoreline. This sandy surface is subject to intense wind, but is protected from wind erosion, in part, by native plant cover including lupines, Dudleya, and dwarfed Coast live oaks (with a distinct leaf morphology). Whether the live

oak groves are dwarfed because they represent a genetically distinct population or variety, or because of unfavorable growing conditions, is an unanswered question. But, there can be no doubt that the oaks and the surrounding native plant groundcover, by stabilizing the ancient dune surface, play a special ecosystem role and therefore constitute an “environmentally sensitive area” within the meaning of Coastal Act Section 30107.5. The proposed LCP amendment would prohibit development and golf course use within the oak grove, but does not specifically recognize the oaks nor surrounding groundcover as an ESHA.

Another sand-stabilizing species, the Monterey spineflower (*Chorizanthe pungens* var *pungens*), is also found in this area. Recently listed in the Federal Register as an endangered species (U.S. Fish & Wildlife Service notice of Feb.14, 1994), the Monterey spineflower is typically found as an annual on moderately disturbed areas within older dune formations along the central Calif. coast. According to maps prepared from the Calif. Dept. of Fish and Game’s Calif. Natural Diversity Data Base (Dec. 10, 1997), this low-growing plant is located in an approx. one mile radius around Old San Simeon. While only that portion of the mapped range seaward of the San Simeon Fault Zone has dune characteristics, it could be expected to sprout on any suitable patch of disturbed sandy soil in the vicinity (e.g., on gopher mounds within the coastal terrace grasslands habitat type). Habitat loss resulting from development, and displacement by invasive exotic species, are considered the primary threats. Complete stabilization of the sandy surface would theoretically be adverse for the spineflower as well; the ways in which public recreational activities and cattle grazing benefit and/or impact the spineflower are not presently documented, however.

The NCAP allows a substantial portion of the ancient dune at the base of San Simeon Pt. to be converted to resort development and golf course. The proposed 100-acre Development Envelope identified in the Suggested Modifications would also fall within the mapped range of the spineflower, but would lie entirely outside the ancient dune surface seaward of the San Simeon Fault and would greatly reduce the acreage of mapped habitat displaced. It is possible that, compared to the entire range of spineflower near San Simeon, these measures would reduce habitat disruption to a level of insignificance. Nonetheless, because not enough is known about this occurrence of the species, a specific biologic assessment is essential prior to any future development in or near Old San Simeon. (While such biologic assessment may dictate siting adjustments or other mitigation measures for any impacts, it would not be expected to change the overall location or dimensions of the proposed Development Envelope at Old San Simeon.)

Beyond these specific shortcomings, some administrative and programmatic problems are evident:

- from time to time, additional species or disjunct populations are discovered, or known populations are listed (or upon recovery, de-listed), for example, steelhead and red-legged frog;
- the LCP’s ESHA policies only mention the mapped riparian and Sensitive

Resource Areas (SRA's), so do not effectively address unmapped ESHA's;

- not all riparian and ESHA areas are mapped (and there is no mandatory amendment procedure to catch ESHA's that show up later or were missed in the mapping);
- total development trends and impacts are not known, in part because under the approved Categorical Exclusion most non-appealable projects don't require coastal development permits.

### Coastal Act Conformance

The LCP fails to conform with Coastal Act requirements because the rigidly map-based structure of LCP ESHA policies results in non-protection of habitats and species not recognized, or not mapped, at the time of LCP certification (a gross deficiency). Certain special role habitats -- including native vegetation surrounding the coast oak groves north of San Simeon Pt., the active dunes south of Arroyo Laguna, and Monarch butterfly trees -- are not identified as ESHA's. Habitat protection standards are needed to respond to needs of newly-listed or newly-discovered species (steelhead, red-legged frog, etc.), but there is no mandatory requirement in the LCP to do a biological assessment, or to apply appropriate mitigation measures. Further, the LCP provides no specific standards for those projects which of necessity are allowed within ESHA's, such as Highway 1 improvements. Recent experience in other parts of the coastal zone, such as the environmentally sensitive pygmy cypress forest in Mendocino County and the Del Monte Dunes in Monterey, reveals that antiquated residential subdivisions within ESHA's sometimes leave no choice under the Constitution's 5th Amendment takings clause. For such cases, specific development standards are needed to assure that the County will be able to properly apply the Coastal Act's habitat protection policies in the Constitutional context.

These deficiencies can be corrected through incorporation of modifications which require biological assessment for any project which may adversely impact an ESHA, whether or not presently mapped as an SRA in the LCP; provide general standards for protection of ESHA's, wherever found; identify the special role habitats found in the North County Planning Area; and specify development and mitigation standards for those categories of projects which are allowed in an ESHA because they can't feasibly be located elsewhere. Therefore, if modified accordingly, the NCAP, in these respects, will conform to Coastal Act Section 30240.





# Scenic Resources

## Applicable Coastal Act Policies

Coastal Act Section 30251 provides for the protection of the scenic and visual qualities of coastal areas. Permitted development shall be sited and designed to protect views of and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting.

Additionally, Coastal Act Section 30253(5) requires that new development be protective of special coastal communities which, because of their unique characteristics, are popular destination points for visitors.

## Overview of the Principal Visual Attractions

By almost any standard, the North Coast Planning Area of San Luis Obispo County would have to be regarded as a scenic resource of great public importance. An unspoiled shoreline with hundreds of coves, dozens of uncrowded beaches, rocky headlands and clean blue water stretching to a far horizon unmarked by oil rigs or air pollution, together comprise one of California's premier natural wonders. This spectacular shoreline is backed by a series of coastal terraces, rising to the foothills and then the high ridges of the Santa Lucia Range.

Open rangelands, including coastal prairie grasslands, oak savannas, pine forest meadows and grassland-covered upland slopes, are the predominant vegetative cover. In spring, these areas are mantled in the lush green of new growth, followed by massed displays of California poppy, lupine and other native wildflowers. Later, these same grasslands are toasted to a golden brown, providing rich contrast to the somber, dark, ever-green forests around Cambria. The town of Cambria itself is an attraction: its many cottages, artistic roots, small-scale architecture, low-key lifestyle, all in the woodsy context of Monterey pine forest, remind many (who are old enough to remember) of Carmel before crowding, congestion and commercialism all took their toll.

In recognition of the scenic values of this part of San Luis Obispo County, the State Legislature, pursuant to the 1976 Coastal Act, placed the coastal zone boundary a full 5 miles inland from the shoreline. Especially noteworthy features include the southern tip of the Big Sur Coast landform and the wide open spaces of the Hearst Ranch. Threaded together by Highway 1 as it reaches out from Cambria, these areas are indeed "The Gateway to Big Sur." More subtle, but still important as scenic resources are the Cambria Pine Forest (including the landmark Scott Rock), the rural Harmony Coast, and the rural

vistas seen along State Highway 46 as it descends from its jump across the Santa Lucia Range.

These scenic delights, most fortunately, can be enjoyed from the comfort of a tour bus or one's personal automobile -- or for the more vigorously inclined, by bicycle. The favored vantage point is State Highway Route 1, which runs the length of the planning area (a distance of 34 miles). It features numerous unimproved turnouts, various improved vista points, and several beach accessways for more leisurely viewing. Public beach areas are another important vantage point, as are the connecting arterial State Highway 46, local public roads such as Santa Rosa Creek Road, and the ridgetop perch of Hearst Castle itself.

## **Big Sur Gateway**

The southern approach to Big Sur follows the low coastal bluffs northwards from Cambria, past native pine groves, San Simeon Acres, then through the Hearst Ranch, past the existing Piedras Blancas Motel and on to Ragged Point. Key portions of this highly scenic 27 mile drive are highlighted below.

### ***Ragged Point Area***

The highly scenic Big Sur Coast is an internationally known visitor attraction. As Highway 1 makes its way through the rural countryside northwards from Cambria, for a good many miles it approaches the Big Sur Coast by way of the gently rolling coastal terraces which characterize the seaward perimeter of the Hearst Ranch. Finally reaching and crossing the canyon of San Carpoforo Creek, the highway abruptly departs the Hearst Ranch. Simultaneously, the visitor encounters a much bolder landform, which suddenly requires the road to execute a series of short turns and steeper gradients.

This, then, is the isolated Ragged Pt. area -- which, from a landform perspective, is part of the 90-mile Big Sur Coast. What is not commonly appreciated, is that the southern 3 miles of the Big Sur Coast are located in San Luis Obispo County. Here, the continent seems tipped on edge. Highway 1 clings to cliffs high above the sea. All is steepness -- slopes of 30%, 60%, even 100% gradient predominate. Mountains rise without pause from the sea, soaring over 2,000 ft. to the heights of the Mt. Mars-Bald Top crest in surprisingly little horizontal distance.

In contrast to the Hearst Ranch, the land between San Carpoforo Creek and the Monterey County line is broken into a number of smaller holdings. A handful of small, relatively modern residential structures are sprinkled along the highway. Ragged Point Inn occupies an anomalous coastal terrace fragment, providing the last chance for gasoline, food, gift shop, restrooms and shoreline access for a good many miles. The inn provides 20 guest rooms, with 28 more permitted; its 32 seat restaurant can handle approximately 60 more with patio seating. Most of the surrounding slopes are in private ownership, although the recently-acquired Sur Sur Ranch will extend the lands administered by Los Padres National Forest a short distance into the San Luis Obispo County coastal zone.

### ***Hearst Ranch***

The vast open spaces of the approximately 77,000 acre Hearst Ranch (approximately 48,000 acres in the coastal zone) constitute an important scenic resource of statewide significance in their own right, as well as comprising the southern approach to the more rugged Big Sur Coast landform. The typical west-east landform section on the Hearst Ranch commences at the shoreline, where a low coastal bluff marks the seaward edge of a gently rolling coastal terrace. Inland from the primary coastal terrace, increasingly steeper and more massive hills and ridges culminate at the crest of the Santa Lucia Range. This crest defines the watershed divide between the Salinas River watershed and the smaller canyons and drainages, which make their way down the westerly slope of the range.

This entire sweep of unspoiled landscape can be viewed by the public in a continuously unfolding panorama along Highway 1. About 16 miles of the highway fall within the Hearst Ranch. It can also be enjoyed from other public vantage points, including highway turn-outs starting at the Monterey County line and vistas seen by visitors to Hearst Castle.

These views are often said to illustrate what “Old California” looked like before it was developed and urbanized. Even a relatively small amount of visible modern development would under these circumstances be intrusive, and would significantly degrade the sense of an essentially innocent landscape. Therefore, having observed that vast areas of the Ranch comprise an outstanding scenic resource, it should also be noted that the Ranch has a great abundance of hidden canyons, as well as knolls, ridges and groves of trees, which could be employed to conceal any new development which might be approved in the future.

### ***Current LCP Policies***

Basically, these call for “minimizing” the visual impact of new development, through building site selection “where hills and slopes would shield development.” The general Areawide Standard, for structures west of Highway 1, limits height to 22 ft. The Ragged Pt. area is currently designated Rural Lands, which would allow subdivision at a density of 20 acres per unit. There are roughly 1,800 acres of non-Hearst lands here.

On the Hearst Ranch most of the acreage is designated as Agriculture. However, 150 motel units are allowed at the Staging Area; and, resort developments are allowed on San Simeon Pt., and in front of the native pine forest near Pico Creek. An 18 hole golf course is allowed between Highway 1 and the sea, north of San Simeon Pt.

### ***Proposed Amendment***

Area-wide viewshed standards would apply; these call for minimizing visual intrusion, avoiding development which would obstruct views of the shoreline from public viewpoints, adapting structures to fit hillside sites (rather than altering the landform to create level sites), and prohibiting development and grading on slopes greater than 30%. A visual impact analysis is required for new development visible from Highway 1. Development “which would in any way degrade the scenic qualities of major views and vista points” would be prohibited.

However, the 14 ft. height limitation for additions to existing visitor serving development in the Ragged Pt. area is removed, as is the requirement that non-visitor serving development be located on the inland side of Highway 1. The land use designation for the Ragged Pt. area would be changed from Rural Lands to Agriculture. This means larger minimum parcel size (320 acres for grazing lands), but more kinds of uses allowed. At the Piedras Blancas area, the maximum site coverage standard (40%) is also deleted.

On the Hearst Ranch, resort development is shifted off San Simeon Pt., to the adjacent area. Substantial additional resort development is allowed at the Staging Area, seen in easterly views from Highway 1. Hotel/motel height limits are raised from the present 25 feet to 30 feet. Restaurant and retail height limits are raised from 16 ft. to 25 ft. Exceptions to the height limit are allowed for non-habitable structures such as clock towers.

At Old San Simeon, in the Commercial Retail designation, the height limit is raised from 18 to 25 ft. In the adjacent Recreation category, the hotel height limit is retained at 30 ft., but once again an exception to the height limit is allowed for non-habitable architectural elements such as a clock tower.

## Issues and Analysis

### 1. Protecting the Critical Viewshed.

The 120 mile shoreline drive along State Highway Route 1, from Cambria to Carmel, is one of the nation's most spectacular scenic treasures. Yet, because substantial portions of this cherished landscape are entrusted to private ownership, development-siting policies appropriate to the reality of private stewardship are needed.

Experience has shown the difficulty of applying view protection policies which only require that projects be designed to "minimize impacts on public views." What does "minimize" mean? What can regulatory agencies reasonably require by way of redesign? Can the developer be required to completely conceal his/her project? Can we trust future landscape screening to (hopefully if not reliably) screen the project? These questions are debated endlessly across the nation whenever local regulatory efforts are applied to the problem of public view protection.

Decision making bodies tend to become frustrated by such fuzzy-edged standards, conceding visual intrusions because there is no clear minimum performance criterion. Often as not, the result is further "cluttering" of public views. It is evident that such a standard is too subjective where preservation of public views is the overriding concern.

In contrast to this elsewhere-common experience, the Big Sur Coast Land Use Plan (Monterey County LCP) contains an *objective* standard: all new development must be hidden from public view. This standard is unambiguous - either you'll see it, or you won't. (Certain partly-developed locations and certain categories of development which *require* a location in public view are exempted.) This policy states:

### 3.2.1. Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed)... This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

### 3.2.2. Definitions

1. Critical viewshed: everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations...

### 3.2.3. Critical Viewshed

#### A. Policies

1. In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed...

State Highway Route 1, from the point where it is joined by Highway 46 in Cambria, comprises the highly scenic southern approach to the Big Sur Coast. Certain areas are already committed to, or suitable for, new development. These include Cambria, San Simeon Acres, and the Old San Simeon area. Certain types of development, such as agricultural improvements, public access facilities, and navigational aids can not be feasibly concealed from public view. However, if these conditions are taken into account (as they are in the Monterey County portion of the Big Sur Coast), it would be possible to preserve the existing rural character of this "critical viewshed" by banning all new developments which would be seen from Highway 1, improved vista points, and public beach areas.

Accordingly, it is concluded that the most appropriate, and most effective way to protect that portion of the Big Sur Coast landform within San Luis Obispo County -- together with the approach route northwards from Cambria -- is through the adoption of a "critical viewshed" policy, parallel to Monterey County's.

**Feasibility.** Is it feasible to establish such a policy, consistent with Constitutional requirements with respect to the "takings" issue, in San Luis Obispo County? The answer depends, in part, on the possible problem of vacant "viewshed" lots. Because the total number of parcels is, as explained in the Development Findings, uncertain, only the following informed estimates are available.

At the southern end of the Big Sur Coast, between San Carpoforo Creek and the Monterey County line, an estimated maximum of 26 parcels are located on the seaward slope of Bald Top Mountain. An additional estimated maximum of six viewshed parcels are located between San Simeon Acres and Cambria. Scott Rock is located on a single parcel, on the

north side of Santa Rosa Creek Road (old Highway 46) immediately east of Cambria. Although not yet field-verified, it is believed that all of these parcels are either already developed, or have suitable locations for concealing new development behind existing trees or landforms.

The only other rural area within the potential viewshed are the expansive ranchlands and shoreline between San Carpoforo Creek and San Simeon Acres (Pico Creek). Here, most of the land is in a single ownership: the Hearst Ranch. This approximately 77,000 acre ranch offers abundant opportunities for locating new development outside the public viewshed along Highway 1 and the shoreline. The parcel containing the old San Simeon townsite on the shoreline of San Simeon Bay, shown on the County Assessor's Parcel map as "Town of San Simeon," would lie at the core of the area where future visitor serving development will be directed -- and is therefore not counted as a "viewshed parcel."

On a non-Hearst inholding located north of Piedras Blancas Point, an existing 14-unit motel is located on the west side of Highway 1. On the east side of the highway at this same location are four non-Hearst vacant parcels, each 5 acres in size, which may constitute "viewshed lots." However, it is likely that through consolidation and resubdivision, four residences could be located within this 20 acre area without impacting public views.

**North of Hearst Ranch: Ragged Pt. Area.** Protective policies for scenic resources are discontinuous and not coordinated at the San Luis Obispo-Monterey County line. North of the line, State Highway Route 1 is designated a State Scenic Highway, and is identified as "highly scenic" in the LCP. Monterey County's "critical viewshed" policy prohibits new development which could be seen from Highway 1, and backs it up with a TDC compensatory program. Expansion of existing resorts and commercial development is limited.

San Luis Obispo County policies are not rigorous enough to protect public views towards and within the Big Sur Coast landform. Development on existing vacant lots as well as new/expanded replacement development on already-improved parcels could have severe impacts on the visitor experience of Big Sur Coast. Road and building site grading, advertising signs, residential development, and above-ground utility and antenna development are primary concerns. The LCP encourages, but would not in all cases require new development to locate out of view, to modify heights, or to screen with landscaping or berming. There are no specific limits on the size of "monster houses" in the viewshed. In contrast to the adjoining Big Sur Coast LUP, there is no specific requirement that the number of residential units per parcel be limited to one. There is no prohibition on adding to the existing inventory of "viewshed lots" (those which have no place to conceal new development). Nor, are there any special standards that would limit the number of additional resort units at Piedras Blancas Motel and Ragged Point Inn.

**Issues Specific to Hearst Ranch.** The LCP as it presently exists does not require new development to be hidden from public view. New development projects contemplated by the Hearst Corporation include resort structures, road construction, and a golf course, all

in close proximity to the shoreline and in public view from Highway 1. The focus of resort development would be San Simeon Point, the forested headland comprising the best-known scenic highlight on the Hearst Ranch coast.

As originally certified, the LCP required that the undeveloped balance of the Hearst Ranch be placed in a scenic easement, upon development of the resorts allowed in the LCP. This measure was essentially a *quid pro quo* trade-off intended to mitigate the visual impacts of the allowed new development. This requirement was previously deleted from the LCP. (See Agriculture Findings).

Subsequently, in 1996 the Board of Supervisors adopted revised resort development standards for the Hearst Ranch which would reduce the maximum allowable units from 650 rooms to 500 rooms. They also required that the entire 60 acre peninsular projection of San Simeon Point be protected by requiring the resort development to be shifted closer to Highway 1, where it could be better screened by existing groves of planted pines, cypresses and eucalyptus. This LCP amendment request was further modified in June 1997, to once again allow a total of 650 units; to encourage the 250 units of the site of the proposed Pine Resort to be shifted to the Staging Area and Old San Simeon sites; and to restore the proposed San Simeon hotel from 100 units to 250 units.

The hotel at San Simeon, whether 100 units or the currently proposed 250 units, would likely protrude either above or beyond the existing trees, thereby impacting seaward views at this highly scenic location. The associated 18-hole golf course would compound this impact. Additionally, the two resort complexes on the east side of Highway 1 (downslope from the Hearst Castle staging area and at the Pico Creek pine grove) would also intrude on public views from Highway 1. Finally, the commercial complex planned for the Old San Simeon area could, if not carefully designed, significantly alter the existing charm of this historic “one-horse” outpost.

The potential harm to scenic resources is substantial, particularly considering the presently unspoiled character of the Hearst Ranch landscape. No mitigation measures which would compensate for these impacts are offered in the LCP. Suitable mitigation measures would include a requirement that all new development be hidden from public view. Accordingly, the highly visible site of the proposed “Pine Resort” complex at the southern end of the Hearst Ranch should be deleted, as protection of the adjacent grove of native Monterey pine would not allow the project to be shifted into the forest.

In those areas such as Old San Simeon where there is already a commitment to develop in public view, but existing landforms or forest are not adequate for concealment, landscape screening should be installed and permanently maintained so as to hide any new development. Alternatively, unavoidable viewshed intrusions could be offset with a scenic easement which would prohibit all other new development in public view, except for necessary public benefit projects and needed agriculture facilities.

**Hearst Ranch Scenic Resource Protection Alternatives.** Beyond Old San Simeon, a variety of strategies are available for protecting the magnificence of public views enjoyed



from Highway 1 and other locations within the Hearst Ranch. Those alternatives considered include the following:

- a. **Existing North Coast Area Plan (NCAP) text** -- essentially, calls for minimizing visual impacts where feasible. No prohibition on creating new viewshed parcels. This alternative is not acceptable, because it does not assure that the critical viewshed is protected from further cluttering; and, because the existing problem could be exacerbated through the creation of more viewshed lots.
- b. **Submitted NCAP Update text, per this amendment** -- no substantial improvement over existing NCAP text, except provides generalized Areawide Viewshed Protection Standards and moves resort development off San Simeon Pt. Relaxes height restrictions somewhat, and allows non-habitable components such as clock towers to extend above the height limit; therefore, not as protective as existing NCAP text in this respect. Overall, unacceptable because it fails to provide the strongest possible public viewshed protection measures for the Highway 1 corridor - - which would be the only appropriate response for this nationally-significant scenic resource.
- c. **Delete the “Pine Resort” development site** -- each of the three Hearst Resort development sites shown in the NCAP Update will impact public views from Highway 1 and public beach areas. The Pine Resort is shown for a location elevated well above and inland from Highway 1. It would impose an extensive development cluster in the foreground of a highly scenic, completely unspoiled view from Highway 1 to the northernmost of the native Monterey pine groves in the Cambria stand. A new, unavoidably visible access road would be constructed for access from the highway. Therefore, this development is decidedly inconsistent with the protection of the critical viewshed, and has no place in an LCP which needs to rigorously protect the highly scenic southern approach to the Big Sur Coast (or from the perspective of the southbound traveler - the grand *finale!*)
- d. **Delete the “Staging Area Resort” development site** -- once again, this resort would be elevated above and inland from Highway 1. It would impose an extensive development cluster on a second-tier marine terrace, located in the foreground of a view from Highway 1 and the coastal bluff at Old San Simeon towards the distant ridgeline surmounted by Hearst Castle.

A presently attractive, undeveloped area in public view would be converted into a built-up complex, which would require an exception to any “critical viewshed” protection policy and establish an uncomfortable precedent for other parts of the Big Sur Coast scenic corridor. Mitigating factors include: a) its immediate proximity to the already partly-visible, partly-screened staging area for the Hearst Castle State Historical Monument; b) no need for development of a new access road in the Highway 1 viewshed; and, c) ease of installing an earthen berm and/or landscape screening so as to make the project less visible from Highway 1 and the shoreline. But none of these considerations are sufficient to offset the objections listed above. Also, earthen berms could be considered an “alteration of natural landforms,” which is discouraged by Coastal Act Section 30251. And, landscape screening is effective

only if it is properly maintained, and if the temptation to excessively trim or thin for “improvement” of views from the resort can be resisted. Therefore, concentration of new resort development at a single, already partly-developed site -- i.e., Old San Simeon -- is necessary to achieve to achieve conformance with Coastal Act Section 30251.

- e. **No new resort development** -- this alternative would most clearly conform with Coastal Act requirements. This would eliminate all hotel development in the vicinity of Old San Simeon, in addition to the other two sites mentioned above. It has been previously established that no water supply with an environmentally safe yield has been identified for any of the resort developments. In view of the existing visitor-serving developments and development potential in Cambria and at San Simeon Acres, no need has been established for new, isolated resort developments. And, in terms of public view protection, this alternative would provide for maximum conformance with Coastal Act Section 30251’s mandate to protect the visual qualities of coastal areas, and in highly scenic areas, to insure that new development is subordinate to the character of its setting.

On the other hand, as discussed in the Development and Recreation Findings above, this alternative would mean that the opportunity to secure certain public benefits -- such as access improvements from Old San Simeon to the beach at San Simeon Bay, and blufftop public access around San Simeon Point -- would not be provided in conjunction with new development. Consideration must also be given to other factors for the Old San Simeon area, including: a) historic identification as a development site, starting with the “Town of San Simeon” plat; b) its existing partly developed character, with a scattering of existing structures and large amounts of introduced non-native windbreak vegetation (in contrast to the other resort sites, which remain in a natural condition); c) the relative ease of screening new development through installation of landscape screening; and, d) the limited exception for “selected points of attraction for visitors” as referenced by Coastal Act Section 30250(c) for visitor-serving facilities (see Development Findings above).

- f. **Delete golf course** -- standard 18-hole golf courses comprise artificial landscapes with manicured tees and greens, turfed fairways, and man-made “hazards.” A “links-land” course is similar, but the visual impact is moderated because more extensive areas along the fairways are left in a natural condition. In either case, the proposed golf course north of San Simeon Pt. will impose a jarring artificial component on seaward views from Highway 1, as well as from public beach areas nearby and public vista points further north. Above the Monterey County line, the Big Sur Coast LUP explicitly prohibits golf course development, as an inappropriate type of use. This protective standard should be consistent along the entire Big Sur Coast drive, Carmel to Cambria.
- g. **Extend Critical Viewshed policy** -- the existing Critical Viewshed policy for the Big Sur Coast, in operation since 1987 north of the Monterey County line, would be extended southwards to Cambria. Under this objective standard, new development in view of Highway 1 and public areas along the shoreline, would be prohibited. Exceptions would be made for certain types or locations of development, particularly

those which can not be feasibly located elsewhere. New viewshed lots could not be created.

This alternative is simply a locational and/or design standard for such development as could be accommodated on the Hearst Ranch consistent with other LCP policies. Because the Hearst Ranch has many canyons, knolls, ridges, swales and groves of trees to conceal new development, only an estimated maximum of 25% of its potential buildable acreage within the coastal zone would be affected by the adoption of such a Critical Viewshed policy. Existing ranch roads, barns, airport hangers and other existing development would be allowed to remain.

### **Conformance with Coastal Act**

The optimum combination of measures for protecting the highly scenic landscapes of the Hearst Ranch, is to concentrate new resort development at one location -- the Old San Simeon area on the blufftop at San Simeon Bay. This would be coupled with deletion of the Pine Resort and Staging Area Resort complexes, relocation of the resort units adjacent to San Simeon Pt., deletion of a golf course seaward of Highway 1, and designation of San Simeon Pt. as Open Space (60 acres), limitation of uses in the Agriculture land use designation to actual agriculture and public benefit uses; deletion of the obsolete Recreation designation on the south side of San Carpoforo Creek (Ragged Pt. proper), and adoption of the Critical Viewshed policy (with agricultural and public access exceptions). The NCAP's present height restrictions would be retained.

More broadly, the best policy for protecting the North County's rural, highly scenic public views as seen from Highway 1 and the shoreline, is to require that all new development be completely hidden from view. This prohibition would not apply within those townsites already earmarked for development, nor to Coastal Act priority uses which would necessarily require a location in public view. This approach is feasible because: a) there are only a few (if any) vacant rural parcels which lack an obvious place to conceal a new residence; and, b) the majority of visible land is located within a single ownership (the Hearst Ranch) with a great many opportunities to concentrate development away from public view -- or at a suitable townsite. Implementation measures, including but not limited to resubdivision, transferred development credits and land exchanges, can be identified to address any situation where the owner of a developable property lacks a suitable means to conceal a reasonable economic use.

Therefore, in order to appropriately respond to the mandate of Coastal Act Section 30251 to protect the highly scenic areas of California's coast, the San Luis Obispo County LCP needs to include this "critical viewshed" policy. Lacking such a prohibition on siting new development in public view, the North Coast Area's most scenic visual resources are exposed to further encroachment and intrusion, and the LCP is not in compliance with Coastal Act Section 30251. The potential problem is greatly aggravated by the fact that the LCP currently does not prohibit divisions of land which would add to the inventory of vacant viewshed lots. These deficiencies can be corrected through adoption of the "critical viewshed" policies contained in the Suggested Modifications, attached.

## 2. Cambria Pine Forest

Extends from immediately north of Pico Creek, to just south of Cambria Air Force Station, and inland past a highly scenic geologic formation known as Scott Rock. The pine forest is partially subdivided; portions within Cambria are partially developed, on high density antiquated residential subdivisions. Continued development of these antiquated subdivisions, including an estimated 5,000 or more vacant miniature lots (typically, 25'x 70'), will collectively result in deforestation of substantial areas of Cambria. This will result in the loss of much of the pine forest context which presently defines Cambria's unique community character.

The LCP presently contains a TDC program for the purpose of addressing the problem of too many existing small lots (which means no room for trees). However, this program is very limited in what can be achieved. The NCAP update contains a sophisticated suite of amendments, including a new "Monterey Pine Forest Habitat Combining Designation," and a proposal to create a communitywide "Forest Management Plan". These measures will substantially increase the odds in favor of protecting the urban forest as a visual resource - but only where the lots are large enough to support tree growth.

Apart from the shoreline and the pine forest, the most noteworthy scenic landmark around Cambria is Scott Rock, a dramatic natural rock formation which juts skyward from the surrounding Monterey pine forest. This vulnerable scenic highlight occupies a single privately-owned parcel immediately to the east of the Cambria urban limit (USL/URL) line. However, it is most prominent in views from Main Street (portions comprising old Highway 1, northward from its intersection with new Highway 1) and Santa Rosa Creek Road (old Highway 46).

### Conformance with Coastal Act

Cambria is a special coastal community, which because of its unique character, comprises an increasing popular visitor destination. Preservation of the forest context is clearly vital to Cambria's community character. The County has recognized that the LCP's present policies in this regard are inadequate, and has proposed a comprehensive set of urban forestry standards in its North Coast Update submittal. These standards, contained in the Combining Designations section will provide the necessary basis for regulating future tree removal (and replacement) within the Cambria Urban area.

However, as detailed in the Environmentally Sensitive Habitat Areas (ESHA) section of these Findings, several shortcomings are evident. If corrected in accordance with the Suggested Modifications identified for the pine forest ESHA, the LCP will also appropriately protect the forest as a visual resource and therefore will protect Cambria's community character as required by Coastal Act Section 30253(5). Additionally, proposals identified in the "Development" section of these Findings may result in the retirement of many of the tiny lots, thus reducing the effects of construction.

## 3. Protecting other scenic resources along the North Coast

Other scenic areas along the San Luis Obispo County North Coast include:

### ***Harmony Coast***

The open grazing lands along Highway 1, southward from Cambria, comprise a continuous scenic corridor with many unspoiled rural vistas, the occasional farmhouse, meandering Villa Creek, and the historic “village” of Harmony. While the foreground landscapes resemble those seen in easterly views from Highway 1 as it proceeds north from Cambria, the shoreline south of Cambria is hidden from view behind a ridge parallel to the highway. Also in contrast to the Highway 1 corridor north, easterly views are primarily of rolling hills and isolated groves, rather than the more dramatic mountain backdrop and pine forest north of Cambria.

Recent real estate and land division activity along the Harmony corridor, together with the revival of Harmony itself as a roadside tourist attraction, give cause for concern. The LCP contains no specific standards which would preclude the creation of “viewshed lots” (residentially-buildable parcels without a place to conceal future development), nor does it specifically require that new development on existing lots be screened from public view. Better standards are needed to prevent creeping urbanization. However, a strict critical viewshed policy is not recommended here because of the different, non-shoreline character of the landscape, and because screening in this area is more likely to succeed as a mitigation measure (in contrast to wind-exposed areas closer to the shoreline).

### ***Highway 46 Corridor***

This east-west connector provides sweeping ridgetop vistas of the coastal zone as it approaches Cambria. The character of the landscape is similar to that seen along the Harmony Coast. Similar standards with respect to land divisions and screening of new development are warranted for the protection of the scenic character of these rural ranchlands.

### **Conformance with Coastal Act**

The LCP Update amendment provides much-needed new Areawide Standards for Site Planning, Design, and Building. These new standards require: a 100 ft. setback distance from Highway 1; site-specific visual impact analysis for developments visible from Highway 1; location of building sites to minimize landform alteration; design review process; shielding of night lighting; prohibition of buildings, fences, signs, landscaping which would obstruct views of the shoreline; utilization of landform features to “minimize visual intrusion”; shared driveways “where possible”; prohibition of development or grading on slopes over 30%; structural design to fit hillside sites (rather than creating level building pads); and other measures to encourage new development to be sited and designed to minimize visual impacts.

However, a few shortcomings have been noted. These standards do not prohibit the creation of more “viewshed parcels,” so a specific requirement is needed to insure that all future lots have suitable development sites (and driveway locations) that are concealed from public view (or in the case of driveways, rely on existing road access). Nor, do the standards prohibit billboards or other large commercial signs. Therefore, neither the present LCP nor the proposed LCP amendments are wholly adequate to protect these important scenic resources. If modified to correct the noted deficiencies, however, the

## Scenic Resources

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North Coast Area Plan will (upon incorporation of the Update's amendments) represent a very substantial improvement over the present LCP standards, and will achieve conformance with the requirements of Coastal Act Section 30251.



# Public Access To And Along The Shoreline

## Applicable Policies

Public access to and along the shoreline is a fundamental value of the State of California. Article 10, section 4 of the California Constitution affirms the public right of way to the state's navigable waters and encourages the legislature to enact laws that give the most liberal construction to this provision. Consistent with this goal, Section 30210 of the California Coastal Act states that “maximum public access . . . shall be provided for all the people.” Section 30211 states that development shall not interfere with existing public access rights to the sea; and Section 30212 requires new development to provide “public access from the nearest public roadway to the shoreline and along the coast.” Section 30500 requires that all Local Coastal Programs include a specific public access component to meet these goals.

The public's right to shoreline access is not absolute, though. Coastal Act Sections 30210, 30212, and 30214 require that public access rights be balanced with other public and private concerns, including public safety needs, military security, private property rights, agricultural interests, and ecological concerns. More generally, Coastal Act Section 30001.5(c) states a basic goal of “maximiz[ing] public access . . . consistent with sound resources conservation principles and constitutionally protected rights of private property owners.”

## Overview of North Coast Public Access Resources

The North Coast segment of San Luis Obispo County provides a wide variety of public access opportunities, including two state beaches, numerous automobile pull-outs and vista points, and a variety of formal and informal accessways to the beach. The North Coast is also significant for its as yet unrealized public access resources. In addition, several access-related problems, including a serious conflict between public access, public safety, and management of the elephant seal population at Piedras Blancas, have developed since the County's LCP was first approved. This section provides an overview of existing and potential public access resources in three subareas of the North Coast: the Rural North Coast/Hearst Ranch, San Simeon Acres to Cambria, and the Harmony Coast. Figures 7-1 and 7-2 present a more comprehensive inventory of existing and potential access along the North Coast. Specific access-related problems and opportunities, as well as the conformance of the North Coast Area Plan with the Public Access policies of the Coastal Act are also discussed in section C below. The Recreation/Visitor-Serving section of the staff report discusses additional recreational resources such as state parks, campgrounds, and other visitor-serving facilities, including the proposed Resort



development at Hearst Ranch.

### ***Rural North Coast/Hearst Ranch***

The Rural North Coast extends approximately 16 miles, from the northern border of San Luis Obispo County south to the northern edge of the San Simeon Acres at Pico Creek . Except for the area around Ragged Point and several “in-holdings” near Piedras Blancas, the entire rural north coast is owned by the Hearst Corporation. Although this segment of the North Coast shoreline has tremendous potential as a public access resource, existing formalized access to and along the beach is limited. Developed vertical accessways exist only at the Ragged Point Inn, where a steep vertical trail, privately built and maintained, heads down to small pocket beach, and at Hearst Memorial State Beach some 16 miles south. Formal lateral access currently exists only at the state beach. There are also three developed automobile vista points on Highway One between Piedras Blancas Point and Oak Knolls/Arroyo Laguna Creek; and three pull-outs between Hearst Memorial State Beach and San Simeon Acres.

As mentioned, the rural north coast has great potential for enhanced public access. Similar to the Big Sur coastline, many feel that this area is a valuable statewide if not national resource, because of its essentially undeveloped, rural character. And while much of the rural north coast shoreline consists of steep bluffs and rocky beach, blufftop and shoreline lateral access along a significant portion of the rural North Coast would be possible were vertical accesses made available. As described by the County, “[m]ost of the coastline consists of low marine terraces with accessible beaches and coves interspersed with rocky shorelines and steep bluffs providing for a variety of passive recreation uses” (6-2). A lateral coastal trail system, similar to the coastal trail planned for in the Big Sur component of the Monterey County LCP, could also be developed for the North Coast. Such a trail would need to be inland of Highway One north of Ragged Point, and between the Highway and the edge of the bluffs from Ragged Point to San Simeon.

The potential for future formalized public access on the north coast is reflected in the numerous informal trails that currently extend from a variety of informal automobile pullouts along Highway One down to particularly attractive beaches. The legal status of these informal public accesses and associated recreational uses has not been determined, and the Hearst Corporation recorded a notice of permissive use in 1972. A wide variety of recreational uses are associated with these informal accesses, including windsurfing, fishing, hiking, kayaking, etc.. In addition, the Piedras Blancas Lighthouse facility may someday be open for public access, including low intensity recreational or interpretive facilities (see Recreation and ESHA findings) facility. Finally, the undeveloped San Simeon Point, which lies just north of Hearst Memorial State Beach, is another tremendous potential resource for low intensity, passive public access activities. Even a brief review of aerial photos reveals an extensive network of trails, including around and on San Simeon Point. Table 7 summarizes some of the major points of formal and informal access along the rural north coast. Exhibits 12 and 13 generally locate these points.

**Figure 7. Formal and Informal Access along the Rural North Coast<sup>61</sup>**

ACCESS RESOURCE	LOCATION	STATUS
1. CONTINUOUS COASTAL TRAIL	NORTH OF RAGGED POINT: INLAND; RP TO CAMBRIA: BLUFFTOP/BEACH	POTENTIAL
2. VERTICAL/LATERAL ACCESS	RAGGED POINT INN	OPEN; PRIVATELY MANAGED
3. PULLOUT/LATERAL AND VERTICAL ACCESS	SAN CARPOFORO BEACH	INFORMAL/POTENTIAL
4. PULLOUT/LATERAL AND VERTICAL ACCESS	DRIFTWOOD BEACH	INFORMAL/POTENTIAL
5. PULLOUT/LATERAL AND VERTICAL ACCESS	POCKET BEACH BTWN BREAKER PT./YELLOW HILL	INFORMAL/POTENTIAL
6. LATERAL/VERTICAL	BEACH NORTH OF PT. SIERRA NEVADA	INFORMAL/POTENTIAL SAND DUNES
7. BLUFF TRAILS; VERTICAL ACCESS	ARROYO DE LA CRUZ LAGOON	INFORMAL
8. PULLOUTS; TRAILS ON BLUFF	SOUTH OF ADLC LAGOON	INFORMAL
9. VERTICAL/LATERAL	BEACHES AT PIEDRAS BLANCAS MOTEL	"PRIVATE" / ACTIVE SAND MINING
10. VERTICAL/LATERAL	BEACH NORTH OF PIEDRAS BLANCAS	INFORMAL / SAND DUNES HABITAT
11. PIEDRAS BLANCAS LIGHTHOUSE	PIEDRAS BLANCAS POINT	CURRENTLY NOT AVAILABLE
12. VISTA POINT #4	SOUTH OF PIEDRAS BLANCAS PT.	OPENED <sup>62</sup> / ELEPHANT SEAL HAUL OUT
13. VISTA POINT #3	TWIN CREEKS BEACH	OPENED / ELEPHANT SEAL HAUL OUT
14. VISTA POINT #2	NORTH OF ADOBE CREEK	OPENED
15. VISTA POINT #1	NORTH OF ADOBE CREEK	CLOSED
16. VERTICAL/LATERAL BEACH ACCESS	SANDY BEACH BETWEEN SAN SIMEON POINT AND ADOBE CREEK	INFORMAL / WIND SURFING, DUNES HABITAT
17. BLUFF TOP & VERTICAL TRAILS TO SHORELINE	SAN SIMEON POINT	INFORMAL
18. HEARST MEMORIAL STATE BEACH	OLD SAN SIMEON	STATE PARK
19. PULLOUT; POCKET BEACHES	MILE POINT 57, ADJACENT TO STATE HOLDING	OPEN / INFORMAL RAMP TRAIL TO POCKET BEACH
20. PULLOUT, VERTICAL TRAIL TO MARINE TERRACE	LITTLE PICO CREEK, NORTH AND SOUTH OF BRIDGE	INFORMAL / FISHING SPOT

ACCESS RESOURCE	LOCATION	STATUS
21. PULLOUT/OVERLOOK;	MILE POINT 55.9, ADJACENT TO STATE HOLDING	OPEN
22. PULLOUT/OVERLOOK ; SMALL POCKET BEACH	MILE POINT 55.4, ADJACENT TO STATE HOLDING	OPEN

### ***San Simeon Acres to Cambria***

This segment of the North Coast includes the village of San Simeon Acres, the town of Cambria, and the rural lands that lie in between these communities. In addition to San Simeon State Beach, which provides campgrounds, trails, and other public access amenities, existing and potential access in this segment consists of a variety of lateral and vertical accessways in the San Simeon Acres and Cambria. Recent staff field observations have determined that access along this segment is generally good. It is worth briefly discussing available access resources in eight segments along this stretch of coast. Exhibit 14 locates these access resources.

#### **San Simeon Acres**

Access in San Simeon Acres is good, the highlight is a broad beach with excellent access. The main accessway to the beach is at the end of Pico Avenue, where parking for approximately 10 cars and a stairway are located. There is a second accessway south of the Cavalier Inn. This accessway does need a conspicuous sign. There also two vertical offers-to-dedicate at the southern end of the beach which should be analyzed for future development opportunities.

#### **San Simeon Creek north to San Simeon Acres**

There is a small subdivision with a frontage road parallel to Highway One along this stretch of coast. No vertical access is available through the subdivision. There is informal (surfing) vertical access to the north of the subdivision; however, there are “no trespassing” signs posted and a fence blocks easy access.

#### **San Simeon State Beach**

State Park ownership extends from Santa Rosa Creek north to San Simeon Creek. This entire stretch is part of San Simeon State Beach, which has 201 inland camping sites, as well as trails to the beach and on the inland side of the Highway (see Recreation Findings for more detail).

#### **Shamel County Park north to Leffingwell Landing**

This contiguous sandy area is wide open for public use. It is clearly visible from Moonstone Beach Drive, and there are numerous opportunities to view the beach and ocean. Parking, trails, and boardwalks are also available; as are restrooms at Santa Rosa Creek and Leffingwell Landing. There is also a boat launch at Leffingwell Landing. The adjacent inland uses are primarily visitor-serving motels. Overall, this area provides excellent access because the beach and coast are easily accessible for the whole length via

Moonstone Drive; there is good visual access; and it is adjacent to many commercial visitor-serving uses (motels).

### Shamel County Park

This County facility provides a developed lawn area with picnic tables, barbeques, restrooms, parking, and direct beach access. There is a large sandy beach contiguous with the state park beach at Santa Rosa Creek. A creek crossing would be necessary at certain times of the year to cross from Shamel in order to continue on through north to Moonstone Beach and Leffingwell Landing.

### Park Hill

As with Lodge Hill discussed below, this is primarily a residential enclave. The shoreline is generally reachable via cul-de-sac roads, but the coast is not visible from Highway One in this area until one is past the subdivision. The beaches here are small and seasonal, with little overall carrying capacity. Three southern street ends (Murray, Bryan, and DeVault) provide good visual overlooks, but no stairs. At the northern end of Park Hill (Worcester to just past Cambridge), a relatively new blufftop park has been built. Here there are trails and pocket beaches. The property is owned by State Parks. A blufftop trail north does end at the top of a 25 foot bluff, which one must scramble down in order to access Shamel Beach. A stairway would be a beneficial improvement here.

### West Ranch

As discussed in more detail below, lateral access along the West Ranch is currently provided by permission, with entrances at the south and north from the end of Windsor Boulevard. The Commission has received several hundred petitions concerning the informal, historic use of the trails on the West Ranch.<sup>63</sup> Aerial photos also document a wide network of trails.

### Lodge Hill

Access in Lodge Hill is good. Access primarily serves the neighborhood, given the configuration of this residential area. Generally, the public is not drawn to this area, in part because the shoreline is not visible from Highway One (although access is signed on the Highway). There is also a somewhat long, windy, and confusing rural road pattern to the get to the coast in Lodge Hill. Finally, the beaches here are small and seasonal, with very little capacity for public use. In Lodge Hill, 50% of the street ends are currently developed with stairways. Of these three, they are fairly well spaced laterally. One of the three is Lampton County Park, which has a parking lot, trails, bike rack, and stairway. The other stairways are located at Harvey and Wedgewood.

### ***Rural Harmony Coast***

There is little to no public access to the shoreline south of Cambria along the Harmony coast. The County's LCP describes this area as not appropriate for public access unless such use is consistent with protection of existing agricultural operations. In general, the Harmony coast shoreline is characterized by steep bluffs and few sandy beaches. The former Cambria Air Force Base is also located in this area. Although once a target for

public acquisition, it is now in private ownership (see Recreation Findings for more detail) There are also three lateral access OTDs showing in official records. More research is required to determine the appropriateness of future development of these OTDs.

## Issues and Analysis

### 1. Organization of North Coast Area Plan Access Components

Public access along the North Coast is provided for by a variety of policies and programs in four separate documents of the San Luis Obispo County LCP. The County's Framework for Planning provides general guidance on the purpose and objectives of the Coastal Accessway land use designation. The Coastal Plan Policies document contains an overview discussion of shoreline access issues; eleven public access policies to implement the Coastal Act; and an Appendix of Shoreline Access terms. The Coastal Zone Land Use Ordinances document specifies the public access requirements of the LCP through ordinance 23.04.420 and gives definitions for the terms "lateral" and "vertical" access. The current North Coast Area Plan discusses various public access goals, resource descriptions, development standards, and programs specific to the North Coast, including access dedications to be required with any future development on the Hearst and West Ranches. Finally, the official land use maps of the County's LCP identify, for planning purposes only, the general locations of existing and proposed public access along the North Coast.

The County's update proposes changes only to the North County Area Plan; the public access policies and ordinances of other LCP documents are unchanged. In the NCAP, the County has added a section of general policy goals to provide direction to coastal zone management in the North Coast Area for the "next 20 years." The goals are intended to function as "criteria to help determine consistency of a development proposal with the LUE/LCP" (NCAP 1-2). Under the general goal of preserving "open space" Goal 10(c) would "encourag[e] better access to the coast through the acquisition and development of coastal accessways, trails, and neighborhood parks, in appropriate locations" (1-7).

The County has also updated general background discussions of public access resources in Chapters Three and Four of the NCAP, including descriptions of the proposed Hearst Ranch development. NCAP Chapter Five concerning "Circulation" includes updated programmatic discussions of pedestrian, equestrian, and bike trails; recreational and coastal access signing; and general road and Highway One circulation issues. Chapter Six, which addresses the combining designations and public facilities components of the NCAP, updates the "Local Coastal Plan" designation that includes public access programs for such issues as improvement of automobile vista points, acquisition of Piedras Blancas Lighthouse, and other access improvements along the North Coast. Chapter Seven of the NCAP includes a variety of specific changes to the public access planning area standards for the North Coast. Finally, except for certain changes to road designations and new roads in the West Ranch area (see Roads findings) no changes to vertical and lateral access designations are proposed on the official circulation maps of the NCAP.

## **Conformance with Coastal Act Policies**

Protecting and maximizing public shoreline access is a fundamental goal of the Coastal Act. To facilitate achievement of this goal, Coastal Act section 30500 requires that all Local Coastal Programs include a specific public access component. Although the current San Luis Obispo County LCP, including the North Coast Area Plan, contains a wide variety of policies, standards, ordinances, programs, and map designations, there is no single component that systematically and comprehensively organizes these public access elements. This lack of comprehensive organization is inconsistent with section 30500. More important, without a cohesive access component in the LCP or the North Coast area, it is difficult to identify and protect existing and potential access resources along the North Coast. It is also difficult to plan for future access resource development and management or understand the precise access policy requirements for new development in the coastal zone. This undermines and is inconsistent with the goal of section 30211 to provide maximum public access.

To address these inconsistencies, the NCAP should be modified to include a separate Public Access chapter. This chapter should include a discussion of public access goals, policies, standards, programs, and other relevant management objectives for the North Coast Area. It should also include a comprehensive inventory of existing and potential public shoreline access, including a map indicating such access resources. The County has previously produced a Coastal Access Inventory (October, 1991), which provides a framework for a public access resource inventory. Public access policies, programs, and ordinances are easily assembled from existing planning documents (see Modification 1).

## **2. Planning for Maximum Public Access**

As mentioned above, the County's NCAP update includes a variety of public access goals, policies, programs, designations, and background discussion. The larger LCP of which the NCAP is a part also includes policies and ordinances to address public access. In general, the public access policies of the LCP closely reflect Coastal Act access policies 30210-214 (see Coastal Plan Policies, Chap. 2). Implementation of the County's public access policies under County Ordinance 23.04.420 also mirrors the Coastal Act. CZLUO 23.04.420(b) repeats Coastal Act section 30211 nearly verbatim. CZLUO 23.04.420(c) essentially reproduces the requirements of Coastal Act section 30212, with additional standards that specify when "adequate access" exists (for example, every quarter mile in urban areas and every mile in rural areas).

Similar to the proposed NCAP updates, the certified NCAP contains further access programs, standards, and combining map designations specific to the North Coast. For example, the "North Coast Shoreline" sensitive resource area is characterized as providing a variety of passive recreational uses; and as "a valuable natural resource which must be protected from excessive and unsightly development" (p. 50). Existing North Coast Access programs, which are non-mandatory actions or policy recommendations include: the improvement of Caltrans Vista Points; public acquisition of Piedras Blancas Point and the Cambria Air Force Station; access signage improvements; acceptance and maintenance of offers-to-dedicate; and various improvements to existing and potential public accessways.

Some of these programs are no longer relevant, either because they have been achieved, or because of they have been mooted by other developments (e.g., the Cambria Air Force station is now in private ownership). Additional access planning is discussed in the development standards section of the existing NCAP (see Issue 4 below for more detail). Finally, as discussed earlier, the certified combining designation maps for the North Coast show general locations of existing and planned lateral and vertical access.

In addition to specific updates to North Coast development standards (see Issue 4), the County has made the following substantive changes related to Public Access planning:

- In Chapter One, under the general goal of preserving "open space," the County has added Goal 10(c), which would "encourag[e] better access to the coast through the acquisition and development of coastal accessways, trails, and neighborhood parks, in appropriate locations" (1-7).
- In Chapter Three addressing Public Services and Resources, the County has added a discussion of neighborhood, community, and regional park deficiencies, with recommended Park standards (3-19; 3-32-33; for detail see Recreation findings); and a brief discussion of traffic circulation problems related to existing and potential increasing visitor traffic.
- In Chapter Four addressing Land Use, the County has updated and made editorial changes to descriptions of existing and planned recreational land uses, including public accessways, in the North Coast Planning Area; and future visitor-serving development on the Hearst Ranch. Most of this discussion is informational only. The County has also amended the Land Use Program section, which includes a Rural Area Program for retaining public lands in public ownership (4-29); a program encouraging residential parks plans in Cambria (4-30); and programs to improve views from Highway One and acquire a park in San Simeon Acres (4-31).
- In Chapter Five addressing Circulation, the County has added new discussions of auto, pedestrian, equestrian, bike, and other modes of transportation. For purposes of public access planning, the most important updates in Chapter Five are discussions of circulation objectives and alternatives (5-2-3); pedestrian and bike trail planning (5-8-9); the importance of transportation demand management to facilitate maintaining Highway One as a two-lane road in rural areas (5-10); and additional Circulation Programs for improvements to Highway One and other modes of public access, such as directional signage, trail development, and bikepath development (5-14-18).
- In Chapter Six addressing Combining Designations and Public Facilities, the County has updated various combining designation descriptions, including the "North Coast Shoreline" Sensitive Resource Area (SRA), the San Simeon Point SRA, and the Piedras Blancas Point SRA, each of which are described as important access-related scenic resources. The County has also added references to Community and Regional Parks combining designations (6-9), as well as to the Combining Designation maps. Most important in this Chapter, the County has updated the "Local Coastal Plan" combining designation Program, which serves as the main

Public Access programmatic element in the current NCAP. It includes public access programs for such issues as improvement of automobile vista points, acquisition of Piedras Blancas Lighthouse, and improvement of over access points along the North Coast (6-10-12).

- In Chapter Seven addressing Planning Area Standards, the County has made a variety of specific changes to the Public Access standards for the North Coast. These standards are mandatory requirements for new development and are discussed in Issue 4 below.
- On the North Coast maps, except for changes to certain road designations and new roads in the West Ranch area (see Roads discussion), no changes to vertical and lateral access designations are proposed on the official circulation maps of the NCAP. Some Recreational lands are proposed for rezoning as well (see Development findings).

### **Conformance with Coastal Act Policies**

Coastal Act Sections 30210-214 make clear that public agencies implementing the Coastal Act must make every possible effort to plan for and provide maximum public access to the shoreline, albeit in reasonable balance with other public, private, and ecological concerns. Section 30210 requires the provision of maximum public access. Section 30211 prohibits the interference of development with existing access; Section 30212 requires new development to provide public access; and Section 30214(c) requires public agencies to consider and encourage innovative access management techniques when implementing the Public Access policies of the Coastal Act. As mentioned earlier, Section 30500 requires each Local Coastal Program to "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided."

Although the County's NCAP update contains many important public access descriptions and programs, it falls short of the goal of planning for maximum access. In addition to the organizational difficulties discussed under Issue 1, the NCAP update is deficient in three primary planning areas: Goals and Objectives; Resource Identification; and Public Access Programs.

### **Goals and Objectives**

The NCAP Update is much improved by the new discussion of general policy goals for the North Coast. However, as currently drafted, there is insufficient recognition of perhaps the most significant goal of the California Coastal Act -- maximizing public access to the shoreline. The only reference to public access in Chapter One is under the heading "Open Space." Moreover, this reference merely "encourag[es] better access to the coast." There is no discussion of the variety of coastal access goals, such as establishing a continuous coastal trail and providing a regional coastal bike path system, that should be part of any comprehensive public access program. Given the County's intent that the goals of the North Coast Plan function as criteria to guide development proposals, the lack of such goals to pursue and provide maximum public access to the shoreline, in balance with private rights and ecological concerns, is inconsistent with Coastal Act sections 30210-214.



To bring the Updated NCAP into conformance with the Coastal Act, a comprehensive Public Access component should be added to the NCAP as a separate chapter. As discussed in Issue 1, this chapter should assemble relevant public access goals, policies, standards, programs, implementation plans and other relevant management measure for the North Coast Area. It should also include a comprehensive inventory of existing and potential public shoreline access, including a map indicating such access resources. The County has previously produced a Coastal Access Inventory (October, 1991) that provides a framework and baseline data for a public access resource inventory (see Modification 1).

As for the particular content of such an Access component, to provide for maximum access, the County should also delete goals 10(c) and 12(d) from the NCAP (see finding -- below for the rationale for the 12(d) deletion) and add Goals to the Public Access chapter that seek to maximize public access by, among other things, developing all feasible lateral and vertical pedestrian access, developing a through coastal trail the length of the planning area, and providing for conspicuous signage for all public access (see Modification 5 and 6)

### ***Resource Identification***

The NCAP Update contains important information on existing vertical and lateral access and other public access resources along the North Coast. It also provides generalized mapping of these resources of the circulation maps for the rural areas of the County, San Simeon Acres, and Cambria. However, as with any public resource, comprehensive planning, including the gathering of systematic resource information, is required to provide maximum public access. These findings, for example, provide overview information on both existing and potential public access resources for the North Coast. Tables and maps are useful tools for understanding the range of public access planning issues for the North Coast. They are particularly useful in helping the public to understand the resources available to it. Actual public access development must be accomplished, of course, in reasonable balance with other public policy goals, such as environmental resource protection and protection of private property rights. Nonetheless, it is important to have a comprehensive resource inventory for planning and general public policy purposes.

A comprehensive inventory is also important because of the many methods available for developing access resources. Although much of California's public access has been developed through specific exactions or dedications in the regulatory process, much has been provided through other means as well, including public and non-profit acquisitions and private donations. Experience with the California Coastal Management Program has shown that it is difficult to anticipate and provide *maximum* public access resource development without comprehensive inventories and mapping.

The updated NCAP provides insufficient comprehensive discussion and identification of existing and potential public access resources of the North Coast. Resource descriptions are spread throughout the NCAP. In addition, the official maps of the NCAP do not provide sufficient detail for understanding and communicating the existing and potential public access resources of the North Coast. Finally, and most important, the NCAP does not identify the maximum, or full range of access opportunities, for planning purposes. For example, the current circulation map does not show any lateral access between *Arroyo de*

*la Cruz* and Piedras Blancas Point. Similarly, no potential access, such as a continuous blufftop trail, is shown for the Harmony Coast (Cambria to the southern edge of the Planning Area). Because of the lack of a comprehensive access inventory, including more detailed mapping, the NCAP is inconsistent with Coastal Act Sections 30210-30214.

To facilitate planning for maximum access in the NCAP, the County should add a comprehensive resource inventory to the public access chapter that assembles all access identified in the NCAP text or maps. The inventory should begin to develop information on all major formal and informal access resources for the North Coast planning area. Similar to the Resource Management System that the County implements, the public access inventory should also be updated and evaluated periodically (see Modification 1).

### ***Public Access Programs***

The updated NCAP contains access-related programs in Chapters Four, Five, and Six. Additional access plans are presented in Chapter Seven concerning specific development standards. Similar to Resource Inventory discussion, the lack of a systematic presentation of access programs in a single location in the NCAP conflicts with the goal of maximizing access. Public access goals and objectives, policies, resource inventories, and programs should be presented together to facilitate access planning and provide for effective implementation of the public access policies of the Coastal Act and the NCAP (see Modification 1).

In general the County has developed a useful and important set of specific programs to plan for maximum access. However, there are a few inconsistencies with the following programs:

- **Directional Signing (5-14).** As currently modified, this program may lead to inadequate signage for public vertical and lateral access because it allows for signage that may not be near accessways. This is inconsistent with Coastal Act Section 30210, which requires conspicuous posting of public access. This program should be modified to guarantee maximum and conspicuous signing of coastal access (see Modification 31).
- **Trails (5-14).** This program encouraging the County to pursue public trails development might be interpreted as being limited to those areas where "interest" in such development has been expressed, as opposed to a general program to pursue maximum trail development. This is inconsistent with Coastal Act Section 30210 and should be modified accordingly (see Modification 32).
- **Bicycle Improvements (5-15).** Although an important addition, this program does not specify the range and quality of bicycle improvements that should be pursued, inconsistent with the goal of maximizing public access resources. Experience in other coastal jurisdictions has shown that without more specific anticipation of the types of desirable access improvements, opportunities for acquisition and development may be precluded. To address this need this program should be expanded to clarify the desirability of a regional bikeway system on the North Coast, including the provision of Class I or II bikeways where feasible (see Modification 39).

- **Shoreline Access -- Vista Points (6-10).** This combining designation program fails to plan for maximum access, in balance with other public, private, and ecological concerns. It is geographically limited, and does not allow for the possibility that other organizations might improve and maintain automobile vista points. This is inconsistent with Coastal Act section 30210 and 30212. Modify this combining designation program to plan for maximum access, in balance with other public, private, and ecological concerns. Amend (see Modification 45).
- **County owned surplus lots (6-12).** Although a valuable program to reduce the number of substandard lots in Cambria, as currently drafted, this program fails to recognize the importance of publicly-owned parcels as potential public access resources, inconsistent with section 30210. Recognize the importance of publicly-owned parcels as potential public access resources by indicating that use of such parcels for public access is the first priority (see Modification 48).
- **West Ranch Design Principles.** To assure the provision of maximum public access at West Ranch, modify design principle D (pg. 7-59) to include public access opportunities (see Modification 112).
- **OTD Implementation Plan.** The County has recently accepted nearly all the offers-to-dedicate. However, there is a lack of a clear implementation strategy for opening and managing these areas for public use. The County, therefore, should include a program to develop an implementation plan for any OTDs that they have or may accept in the future.
- **Public Lands Program.** One method for maximizing public access is to pursue all feasible and desirable opportunities to convert existing public lands into public access and recreational resources. The original NCAP had a program to secure the Cambria Air Force station as a public resource. However, this program was not achieved and now the Station is in private ownership. The NCAP currently has a Public Lands program that fails to emphasize the importance of public lands and facilities for future access resources (see 4-29, #2). This program should be amended to also require that relevant public land holdings be retained in public ownership, or be acquired by the County, to be used as public access/recreational resources. Privatization of such lands should be pursued only after such opportunities have been pursued to the maximum extent possible and found to be infeasible or undesirable.

### 3. Interference with Existing Access

The County currently protects existing public access through Policy 1 of the Coastal Plan Policies Document, and CZLUO 23.04.420(b) and (d)(iii). As mentioned earlier, these policies are essentially the same as Coastal Act policies, and they require the protection of access where established by the legislature or by historic use.

The issue of historic use, which may give rise to prescriptive public access rights to and along the shoreline, has been an on-going issue for the North Coast. Prescriptive rights

are judicially determined rights of access or public easements that require certain basic findings including that: (1) people have used the land for a five year period, without permission and without effective interference; (2) the use has been substantial; (3) the land has been used by members of the general public, not only neighbors or friends of the fee owner; and (4) the use of the area has been with the actual or presumed knowledge of the owner and without significant objection or attempts by the owner to prevent or halt such use.<sup>64</sup>

In 1972, the Hearst Corporation recorded a Notice of Permissive Use that necessarily affected future claims of public access rights. The legislature has declared that such recorded notices are sufficient evidence to preclude a finding of prescriptive use for any time period after the filing of such a notice. However, some evidence exists that the public has used various areas along the North coast, including the Hearst Ranch, for at least 40 years, from 1957 onward (e.g., see Coastal Development Permit A-3-SLO-95-70). Evidence and arguments for historic uses have also been presented from time to time for the West ranch property in Cambria. Thus, historic access uses is an issue at various locations along the North Coast. While, prescriptive rights may only be established by a court of law, the Commission and the County by extension is required to protect any historic rights that they believe exist.

As discussed earlier, there is a considerable amount of informal recreational use of the rural North Coast shoreline. A survey of citizens collected during the public hearings for the County's NCAP update process documented all of the following uses in this area: fishing, diving, kayaking, windsurfing, surfing, boating, boat launching, picnicking, sitting on the beach, playing on dunes, walking, jogging, bonfires, walking dogs, collecting shells/driftwood, building sand castles, sunbathing, photography, painting, and watching marine mammals.

Existing public access also may be interfered with or lost through the process of managing public accessways within private holdings. For example, the NCAP has always contained combining designation programs that encourage Caltrans to maintain and improve automobile vista points in the vicinity of Piedras Blancas Lighthouse, on the Hearst Ranch. These vista points have also been the subject of multiple Commission actions related to Caltrans proposals to realign Highway One in this same vicinity. In 1982, the Commission required the creation of a vista point as mitigation for the loss of access due to Highway One realignment. However, in the most recent action by the Commission (an appeal of a Caltrans realignment project just south of the Lighthouse), the Commission allowed the closing down of the very same existing vista point in exchange for the improvement of two other existing informal vista points (see A-3-SLO-95-70).

Finally, the County has modified the Vista Points Combining Designation program (6-11) to allow the Department of Parks and Recreation to be involved in the maintenance of vista points north of Cambria. The County has not proposed any other explicit changes to the NCAP that would affect the policies concerning interference with public access.

### **Conformance with Coastal Act Policies**

Section 30211 requires that new development not interfere with the public's right of access

to the sea, whether acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. As amended by the County, the vista point program does not require the protection of existing access when new development is proposed. This is particularly important in light of the controversial history at Piedras Blancas discussed above. This program is therefore inconsistent with section 30211. To assure that future development does not interfere with existing access, the Vista Points program must be modified to clarify the need to maintain existing access resources by only allowing access to be lost if it is concurrently replaced with equal or better access (see Modification 47).

More generally, given the significant amount of informal and historic public access along the North Coast, the County should add a program to develop and carry out a program to systematically document potential public prescriptive rights. Similar to the discussion above concerning maximum planning, such a program is necessary to provide for maximum public access to the shoreline. The documentation of historic public access is also increasingly important for areas like the Hearst Ranch, where a notice of permissive use has been filed. The more time that passes, the more difficult it becomes to gather information that might provide evidence for such historic public use.

#### **4. New Development Access Standards**

The SLO County LCP contains general policies and ordinances that require new development between the first public road and the sea to provide public access from the nearest public roadway to the shoreline and along the coast (Policy 2; CZLUO 23.04.420(c) et seq.). As discussed above, the County has been successful at obtaining multiple vertical and lateral offers to dedicate public access through the development review process. More important, the County itself has recently accepted almost all of these OTDs so that they may be incorporated into the public access resource inventory before they expired.

The LCP also contains a policy intended to implement Coastal Act section 30213, which requires that lower cost visitor and recreational facilities be protected, encouraged, and provided where feasible (Recreational and Visitor-serving Facilities Policy 3). The policy is to be implemented as a "standard" and thus does not have a corresponding ordinance. The policy also differs somewhat from the Coastal Act section 30213, stating: "[l]arger visitor-serving projects shall make provisions for services which are geared to a range of costs, including low cost facilities."

Finally, the existing NCAP has a variety of areawide and specific development planning standards, including requirements for access dedications and development by the Hearst Resorts and West Ranch developments.

The County has made a variety of changes to Chapter Seven of the Updated NCAP, which includes public access development standards for the North Coast. These changes are summarized below.

- Introductory language is added explaining, among other things, that "land

dedications and all other exactions identified in [the] plan are designed to mitigate the impacts of specific development proposals." This language also refers to the possibility of conducting "nexus and proportionality" studies that may be used to justify exactions or dedications; and that a failure to require such dedications because of insufficient justification will not create an inconsistency with the LCP (7-2).

- The LCP combining designation standard for all new development is modified to require that vertical and lateral access dedications be provided according to the CZLUO; and that such dedications may be off-site for major development and may include improvements and on-going maintenance. The County has deleted a description of the variety of public access resource types (7-10).
- Sensitive Resource Area standards have been modified to make the provision of public access discretionary, even if such access is compatible with the protection of marine resources (7-10).
- Various changes have been made to the Hearst Ranch Resorts Plan, including adjustments to the access dedications and development requirements for each phase of resort development (7-14 to 7-33). More detail is provided in the following section.
- Miscellaneous changes have been made to public access development standards for the Recreation, Public Facility, Cambria Urban Area, and San Simeon Acres categories of Chapter Seven, including access requirements for the West Ranch. More detail is provided in the following section.

### **Conformance with Coastal Act Policies**

Coastal Act section 30212 requires that new development provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; adequate access exists nearby; or agriculture would be adversely affected. Section 30213 requires that lower cost visitor and recreational facilities be protected, encouraged, and provided where feasible. As Section 30210 recognizes, though, these policies must be balanced with private property rights. In addition, Coastal Act Section 30001.5(c) states a basic goal of "maximiz[ing] public access . . . consistent with sound resources conservation principles and constitutionally protected rights of private property owners." [Add 30010.]

In general, the updated NCAP provides strong, comprehensive development standards for public access. However, there are a few issues that raise inconsistencies with the Coastal Act.

### ***Nexus and Proportionality***

The County has added language referencing the specific legal concepts of "nexus" and "proportionality" that reflect current Constitutional Fifth Amendment takings clause jurisprudence (7-2). It is the County's intent that any exactions or dedications required

through the development review process not infringe on Constitutionally-protected private property rights. However, to be effective in providing maximum access through the development review process, plans, policies and standards must be sufficiently broad to adapt to changes that inevitably occur through the evolution of judicial case law. References to specific legal concepts developed in particular judicial cases are not necessary for the reasonable balancing of public rights of access to the shoreline with private property rights; they may have the unintended affect of limiting the provision of public access that future legal interpretations of the Fifth Amendment might encourage.

The added language also unnecessarily suggests that if nexus and proportionality studies, done at the landowner's request, do not justify particular exactions, that failure to require public access will not be inconsistent with LCP. This unnecessarily implies an additional burden of the County, and by extension the public, which could have a chilling effect on the provision of maximum access. As such, these specific references are inconsistent with Coastal Act Sections 30210-214, and section 30001.5(c), and should be deleted from the NCAP (see Modification 51).

### ***General Shoreline Access Requirements***

The amended combining designation standard for new development shoreline access requirements (7-10, #2) may be construed as limiting the range of potential public access exaction requirements. Although it allows for off-site dedications where appropriate, it also deletes descriptions of the variety of public access amenities that may be appropriate. The standard also references the CZLUO implementing ordinance. Although reasonably thorough, this ordinance does not allow for the full range of potentially appropriate lateral access, particularly blufftop access. This standard is therefore inconsistent with Coastal Act sections 30210 and 30212. To bring it into conformance with the Coastal Act, it must be modified to provide for appropriate access and associated amenities (see modification 66).

### ***Sensitive Resource Areas***

Sensitive Resource Area standard #4 (7-10) allows for discretionary access when marine resources are present, even if such access would be compatible with the protection of such resources. This is inconsistent with section 30212, which requires that public access be provided where such access would be consistent with the protection of marine resources. To be consistent with the Coastal Act, the word "shall" should be maintained and the added "may" should be deleted (see modification 70).

### ***Hearst Ranch Resorts Plan Standards***

The NCAP standards for the Hearst Ranch Resorts Plan include general standards for providing shoreline access (7-17) and master access planning (7-18); as well as specific access requirements for each phase of proposed resort development (7-19 to 7-29).

Similar to finding 2 above, the general standard for shoreline access is needlessly qualified by potentially limiting and unnecessary language. The modified language is also

cumbersome, poorly edited, and potentially confusing, no doubt due to the multiple changes that have been made by the County in the last year. As such, the standard is inconsistent with sections 30210 and 30212, which require the maximum amount of access to be provided with new development. To bring this standard into conformance with the Coastal Act, it must be modified to more clearly state the expected performance criteria (see modification 90). The suggested modification appropriately allows for the provision of maximum access, consistent with Section 30210; and also does not preclude the adequate consideration of private property rights, consistent with Coastal Act Section 30007.5 and 30010.

The NCAP also requires the submittal of a Public Access Master Plan with Phase 1 of the Hearst Resort development. This requirement is an important standard, and is generally consistent with the access policies of the Coastal Act. As currently drafted, the NCAP references two figures that show areas of access that should be addressed in the Master Plan (Figures 7-4 and 7-6). Although not necessarily inconsistent with the Coastal Act, to be consistent with other findings in this evaluation, these figures should also be incorporated into the new access component of the NCAP or superceded by a more general integrated resource inventory that identifies potential access opportunities. If maintained as separate figures specific to Hearst Resort development, the figures should also be modified to reflect the changes to each phase as discussed below. (see modification 91)

Finally, and most important, the NCAP requires various access dedications and improvements for each of four anticipated phases of Hearst Resort development. These exactions range from lateral and vertical access at *San Carpoforo Creek* at the northern end of the ranch, to an overlook at Pico Creek -- the southern edge of the Hearst Ranch. The administrative record for the update of the NCAP reveals a great deal of controversy over the nature and scope of these access dedications, particularly concerning their appropriateness under more recently developed concepts of "nexus" and "rough proportionality." To better understand this issue, and to evaluate the consistency of this section of the NCAP with the Coastal Act, closer examination of the proposed dedications, as well as potential impacts related to the proposed Hearst development is necessary.

The County's proposed exactions essentially cover four areas of the rural coast from Pico Creek to Ragged Point. From south to north these are:

- **Between Pico Creek to W.R. Hearst Memorial State Beach:** Lateral and vertical access, including two vertical accessways at the existing Caltrans turn-out areas, and a small overlook park at Pico Creek. Lateral access is limited to the immediate shoreline (toe of the bluff to mean high tide). The state also already owns about two-thirds of this shoreline. Further research is being conducted on this ownership.
- **From San Simeon Point to the Caltrans Turnout at Adobe Creek (formally Vista Point #1):** lateral access along the shoreline; a vertical accessway at Oak Knoll Creek; a small parking area and interpretive facility just north of *Old San Simeon*; a bluff top pedestrian trail to San Simeon Point and from the Point to Oak Knoll Beach, as well as vertical access to the sandy beach areas near the Point; a public parking area at the resort; a pedestrian/bicycle path to other resort areas; a picnic



area; and other support facilities, such as trash receptacles, signs, and restrooms.

- **From Vista Point #1 to Piedras Blancas Lighthouse:** Lateral access along the shoreline and one vertical access in the vicinity of Piedras Blancas Dunes, consistent with habitat protection (Elephant Seals).
- **From Piedras Blancas to Ragged Point:** Vertical and lateral access paths to the Arroyo de la Cruz creek lagoon; three vista points and parking areas south of San Carpoforo Creek; vertical access from these vista points to the corresponding sandy beaches, and lateral access along these beaches; and support facilities for the San Carpoforo improvements.

Although the range and scale of these proposed exactions would seem to be quite extensive, a few limitations that are not immediately obvious should be highlighted. First, except for the blufftop lateral trail required at San Simeon Point, the lateral access required with each phase is limited to the land between mean high tide and the toe of the bluff -- little more than what many already consider to be Public Trust lands, particularly given the narrow beaches and rocky shoreline typical of the north coast.

Second, at least three of the required vertical accessways (two between Pico Creek and the Piedras Blancas Dunes accessway) are essentially already available, but for physical improvements. Thus, the State already owns the land along the shoreline at the two turnouts; and the access at the Piedras Blancas Dunes is being developed pursuant to the Coastal Commission permit for Caltrans Vista Point #3 and #4. A fourth vertical access at Oak Knoll Creek is in the vicinity of Vista Point #1 which, as described above, was an existing area of public access required by an earlier Commission permit for the realignment of Highway One.

Finally, much of the access required by the County, particularly that at Arroyo de la Cruz Lagoon and San Carpoforo, reflects historic use patterns that at one time may have been found to be prescriptive. (As discussed earlier, the Hearst Corporation filing of a notice of permissive use in 1972 cuts off any claims of use from that year forward. As each year passes, the potential for securing sufficient testimony regarding pre-1972 use decreases.) Indeed, throughout the administrative process, the Commission and the County have received many testimonials concerning informal use of the North Coast shoreline. So, although the County's exactions would represent fairly dramatic shift in the formal legal landscape for public access on the Hearst Ranch, they would not necessarily move much beyond existing informal public access practices on the North Coast.

Nevertheless, regardless of current terms and legal concepts, any access dedications must be of reasonable scale and relationship to the impacts of particular coastal developments. In the case of Hearst Resorts, there will no doubt be significant impacts to the existing access resources of the rural North Coast, especially in the vicinity of San Simeon Point, even with the more limited development approved by these findings.

As outlined earlier, existing formal public access is extremely limited along this 16 mile section of coast. Currently, formally-recognized beach access only exists at W.R. Hearst State Beach and San Simeon State Beach. Moreover, the informal access points and trails between Ragged Point and Pico Creek "exist" only with the permission of the Hearst

Corporation. Nor are they readily available to the visitor that is unfamiliar with local area -- for all intents and purposes the rural north coast is perceived as fenced, inaccessible private rangeland, except for the Caltrans vista points. In short, there are no obvious opportunities for public visitors to make their way down to the shoreline between the Ragged Point Inn and W.R. Hearst Memorial State Beach.

To put this relative lack of shoreline access in perspective, it is helpful to consider available access for other rural sections of the Central Coast. For example, along the Northern Santa Cruz -San Mateo Coast, (approximately 50 miles) there are no less than 24 formally acknowledged points of access, including numerous State and County beach parks. Even along the Big Sur Coast, with its dramatic topography and sheer cliffs, there are no less than 23 access points to the shoreline, albeit a 70 mile segment.

Overall, the limited existing supply of secured shoreline public access on the rural North Coast is important to acknowledge because it represents a limited capacity to receive any new visitor impacts. Indeed, in order for the public access resources in this area even to be maintained, to say nothing of maximized, visitors will need to be directed to new accessways, beaches, trails, etc. This is particularly true given the concentration of development required by other sections of this report. It will be important that any future development at Old San Simeon not overwhelm the cove and beach at San Simeon Point. In other words, whereas the Coastal Act requires that new physical development and infrastructure be concentrated, it also requires that the relatively low intensity of public access be distributed, for the precise reason that the public's enjoyment of the beach will be maximized as the density of users decreases (section 30212.5).

Still, the need for additional access will ultimately be driven by the scale and intensity of new development at Old San Simeon. As modified by these findings, the Hearst Resort development could add as many as 375 new overnight rooms to the rural area of the North Coast. This would be a 50% increase over the existing overnight room stock at San Simeon Acres and in the rural area of the North Coast. Even with Cambria rooms included in the mix, the Hearst Resort would still increase overnight room accommodations by over 26%. In addition, this one simple measure also does not reflect the increased visitor traffic that will be drawn to area by the new commercial development at the resort, apart from the new overnight accommodations. Nor does it reflect the additional residents that will be drawn to the area as employees of the resort. Finally, with additional visitor-serving amenities in the area, it is likely that more people will be staying in the North Coast area for a longer period. Indeed, if all goes according to the Hearst Corporation plan, the resort at Old San Simeon will become a true visitor-serving destination, where visitors enjoy a variety of recreational resources for multiple days. This will represent a significant departure from the current dominant visitor traffic pattern of travel into the San Simeon area for a limited period of time to see Hearst Castle.

Overall, it is likely that new development at Old San Simeon will dramatically change the character of the public access experience along the rural north coast. What is now an essentially low intensity rural shoreline environment will become more crowded and intense, even if additional access resources are made available. New visitor pressures will also increased conflicts with the sensitive ecological resources already at risk, such as the dunes at Piedras Blancas and the elephant seals and habitat at Twin Creeks beach. In

short, simply to maintain existing access resources in the planning area, let alone maximize public access, extensive improvements will be needed with future resort development.

As described above, the County has required a variety of limited access dedications spanning the entire Hearst Ranch. As a general rule, the geographic scope is appropriate given the existing and anticipated visitor traffic patterns; the high intensity of the planned resort development relative to undeveloped character of the North Coast; and the Coastal Act requirement that public access facilities be distributed in a visitor-serving area, “to mitigate against the impacts . . . of overcrowding or overuse by the public of any single area (section 30212.5). Still, the impacts to access that might come with increased development at San Simeon are somewhat unpredictable, and precise resource needs are difficult to anticipate at the planning stage. In addition, the County’s exactions do not carry any particular logic in terms of their timing and location. Therefore, at this planning stage for the Hearst resort, it is more appropriate to identify a set of minimum requirements for public access in and around the development envelope, subject to future scaling, geographic expansion, and other modifications as warranted by more detailed impact analysis at each phase of development.

Accordingly, to bring the NCAP public access standards for the Hearst resort development into conformance with the Coastal Act, the standards should be modified generally as follows (see modifications for exact language): (see modification 97)

- **PHASE 1: San Simeon Point to the Caltrans Turnout at Adobe Creek (formally Vista Point #1).** Prior to occupancy of any units developed in Phase 1, provide the following minimum access improvements:
  - A bluff top pedestrian trail from Old San Simeon to San Simeon Point, and from the Point to Adobe Creek;
  - A pedestrian trail from the Village to the State Parks Hearst Castle Visitor Center;
  - Lateral access along the shoreline from W.R. Hearst Memorial Beach to Adobe Creek;
  - A vertical accessway to the shoreline at Oak Knoll Creek;
  - Vertical access to other sandy beaches or rocky shoreline;
  - Public parking and interpretive facility at the base of the point, with support facilities such as trash receptacles, signs, and restrooms;

Trails should be designed to allow for future extension and connection to a through coastal trail north and south of this area. Additional access improvements as described for future phases shall be required if warranted by impact analysis at the Master Plan and development stages.

- **PHASE 2: Pico Creek to W.R. Hearst Memorial State Beach.** As required by impact analysis at the Master Plan stage and Phase 2:
  - Lateral access dedications to support, and development of, a bluff top coastal trail from *Old San Simeon* to Pico Creek. Appropriate signage and controls for

the protection of sensitive habitat and/or to prevent bluff erosion shall be provided.

- Lateral access dedications from mean high tide to the toe of the bluff;
  - Vertical accessways at the two Caltrans turn-out areas, Little Pico Creek, and Pico Creek.
- **PHASE 3: From Vista Point #1 to Piedras Blancas Lighthouse.** As required by impact analysis at the Master Plan stage and Phase 2:
- Lateral access dedications to support, and development of, a bluff top coastal trail from Adobe Creek to Piedras Blancas Lighthouse.
  - Lateral access dedications along the shoreline from the mean high tide line to the toe of the bluff.
- **PHASE 4: From Piedras Blancas to Ragged Point.** As required by impact analysis at the Master Plan stage and Phase 2:
- Vertical and lateral access paths to the Arroyo de la Cruz creek lagoon;
  - Three vista points and parking areas south of San Carpoforo Creek;
  - Vertical access from these vista points to the corresponding sandy beaches -- San Carpoforo, Driftwood Beach, and the beach between Breaker Point and Yellow Hill.
  - Lateral access dedications to support, and development of, a through coastal trail in this area.
  - Lateral access dedications from the mean high tide line to the toe of the bluff.
  - Support facilities for the San Carpoforo improvements.

(Please see Exhibits 15 and 16)

### ***Shoreline Access at West Ranch.***

In general, the County has structured its standards for the West Ranch development to adequately address Coastal Act requirements. Similar to the findings for Hearst development standards, though, slight modifications are necessary to bring the standards into full conformance with section 30210 and 30212. First, public access should be made a specific goal or design principle for the Ranch. Accordingly, Principle D (7-59) should be amended to include public access. Second, the overarching standard for access dedications at the Ranch should be amended to provide for maximum access, consistent with the Coastal Plan Policies and ordinances of the LCP, as well as the public access policies of the Coastal Act. In addition, an access Master Plan, including identification of access improvements and management arrangements, should be submitted for approval by the County at the subdivision stage. Third, to maximize public access, standard 14(A) should be amended to require that vertical and lateral pedestrian trails be provided that approximate in scale and intensity as close as possible, the historic informal access on the Ranch. Finally, Standard 14(B) should be amended to require at minimum a Class II bike path (see modifications 112 and 122).



# Coastal Hazards

## Coastal Act Policies

Areawide Standard 19.C (7-8) appears to attempt to minimize visual impact of development along the shoreline by prohibiting additions to existing structures and new structures on ocean-fronting lots being built farther seaward than existing structures. The standard is unclear. It should be modified to clarify that on ocean-fronting lots new structures or additions to existing structures shall not be located farther seaward than existing structures on the same lot (see modification 61). With that clarification, the standard will be consistent with Coastal Act section 30253.

Coastal Act Section 30253 requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. New development must also be designed and sited in such a way that it won't cause or add to "erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." At the same time, Section 30235 does allow revetments, seawalls, and other bluff and shore protection devices, but only when required to serve coastal-dependent uses or to protect *existing* structures or public beaches in danger from erosion. Structures must also be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In addition, while shoreline devices may extend onto the beach, any impacts that may have on public access or other coastal resources must be avoided or mitigated.

As for flooding hazards, the Coastal Act recognizes that coastal rivers and streams may be subject to various engineering projects for flood control. Section 30236 allows "channelizations, dams, or other substantial alterations of rivers and streams", but only if such development uses the best mitigation measures feasible. Such projects are also limited to necessary water supply projects; flood control where there is no other feasible method to protect existing structures or provide for public safety; or developments where the primary function of the development is fish and wildlife habitat improvement.

## Overview of North Coast Hazards

The North Coast Planning Area is subject to a variety of hazards, including ocean bluff erosion, flooding, seismic hazards, landslides, and fires. Not all areas of the North Coast are exposed to the same hazards though.

The ocean bluffs of West Lodge Hill and Park Hill are subject to erosion, which can endanger the existing residential development there. In contrast, in the rural area, the development most subject to ocean bluff erosion is Highway One where, in several locations, it lies close to the bluff edge.

Seismic hazards, while harder for the untrained eye to detect, do occur in the area,

especially in the vicinity of San Simeon where the San Simeon fault is onshore. Seismic hazards include groundshaking, surface rupture, liquefaction and tsunami runup. While the San Andreas fault, some 35 miles inland, is the fault most likely to affect the area with groundshaking, two nearer active faults could also cause major damage. These nearer active faults include the Nacimiento fault, about 10 miles inland from the coast, and the Hosgri-San Simeon fault which lies mostly a few miles offshore, but which is on the land for about 11 miles between San Simeon Cove and the Ragged Point area (see Exhibit 17).

Flooding is of concern primarily in Cambria along Santa Rosa Creek, especially in the West Village, the East portion of the East-West Ranch, and the Mid-State Bank site (see Exhibit 18). While flooding occurs elsewhere in the planning area, in comparison there is little development outside of Cambria that is endangered.

The most visible fire hazard areas are the pine forests, which is also where most of the development has occurred. Development in the pine forests is almost exclusively within the Cambria urban area and the boundaries of the Cambria Community Services District, which provides fire protection within the urban area. Rural fire protection is provided by the California Department of Forestry and Fire Protection/County Fire Department.

Finally, earth movement through landsliding and erosion from ground soaking winter rains falling on steep slopes and/or areas of improper drainage and grading also poses a hazard. Since much of the residential part of Cambria is on moderate to steep slopes, there is a high degree of such erosion hazards.

## Issues and Analysis

### 1. Ocean-fronting Bluff Erosion

#### *Urban Areas*

Most bluff erosion that is considered a hazard occurs in Cambria at the ocean bluffs on the west side of Lodge and Park Hills as a result of wave action and/or uncontrolled runoff over the top of the bluffs. This area is also where most of the armoring of the coastline in the planning area has occurred. The existing development protected from continuing erosion is residential and extends for about 1.25 miles along the bluffs in two separate sections, each 1/2 to 3/4 mile long. According to the Assessor's parcel maps, there are 86 blufftop parcels (all residential single-family; the only large subdividable property within the URL of Cambria is the East - West Ranch) on Lodge Hill and Park Hill combined. Approximately two-thirds to three-quarters of the parcels are developed with single family dwellings. Almost half of those developed parcels have some sort of bluff protection, typically a seawall or rock revetment.

The Hazards section of the LCP Policy document (not a part of this submittal) requires all new development in areas subject to beach erosion to minimize risks to life and property, and that shoreline development be designed so that shoreline protective devices that would substantially alter landforms or natural shoreline processes will not be needed for

the life of the structure (Hazards Policy 1). Hazards Policy 3 requires detailed review of development proposed in the geologic study area combining designation as indicated on the LCP maps. Hazards Policies 4 and 5 provide policy direction on design and construction of shoreline structures. Policy 6 requires new development on blufftops to be set back adequately to assure that no shoreline protective structures will be necessary for 75 years. Policy 7 says that the geologic study area combining designation includes “all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the *Assessment and Atlas of Shoreline Erosion* as being critical to future or present development.”

Based on limited review of geologic reports in Cambria, the average bluff erosion rate is 2 to 3 inches per year. It must be kept in mind, though, that bluff erosion can be episodic, so that in any given year the amount of erosion could exceed the average or be less than the average.

The existing area plan contains a Bluff Erosion Geologic Study Area Combining Designation. It states:

*[p]ortions of the coastline where bluff erosion poses a concern for siting new development have been noted. Development should be located so that it can withstand 75 years of bluff erosion without the need for a shoreline protection structure ... (p. 47).*

The Update carries over the same language in standard B(11) (6-4). Both the existing area plan (page 8-22) and the Update (page 7-55) specifically address blufftop setbacks in the Park Hill and West Lodge Hill areas. In the existing area plan two distinct areas are called out: “Tract 159 and other lots with coastal bluffs on Park Hill;” and “West Sherwood Drive on Lodge Hill”. If the “other lots with coastal bluffs” means all the other bluff top lots on Park Hill, then all developable blufftop lots in Cambria are included since the Sherwood Drive lots are all of the Lodge Hill blufftop lots. The bluff setback for those areas is “[t]o be determined by geologic report to withstand bluff erosion and wave action for a period of 75 years . . . .” The Update contains the same requirement. However, on Park Hill, the minimum setback is 20 feet. While on Lodge Hill, the minimum is 25 feet. Finally, San Simeon Acres Commercial Retail Standard 4 and Residential Multi-Family Standard 4 both state that the bluff setback is to be “a minimum of 25 feet unless a geologic report or the stringline method of setbacks in the Coastal Zone Land Use Ordinance requires a greater setback” (7-118).

### **Conformance with Coastal Act**

Areawide Standard 19.C (7-8) appears to attempt to minimize visual impact of development along the shoreline by prohibiting additions to existing structures and new structures on ocean-fronting lots being built farther seaward than existing structures. The standard is unclear. It should be modified to clarify that on ocean-fronting lots new structures or additions to existing structures shall not be located farther seaward than existing structures on the same lot (see modification 61). With that clarification, the standard will be consistent with Coastal Act section 30253.

Most of the blufftop requirements and regulations are in the Hazards section of the LCP



Policy document, which is not part of the Update submittal. As discussed, the blufftop setback standards contained in the Update vary somewhat, depending on the type and location of development. For example, in Cambria the setback generally is to provide for 75 years of erosion (with a minimum of 20 or 25 feet) before a protection structure is needed; while in San Simeon Acres, there is a minimum of 25 feet which may be required to be greater, but there is no equating that to a specific number of years worth of erosion. For the sake of internal consistency, San Simeon Acres Commercial Retail Standard 4 and Residential Multi-Family Standard 4 must be modified to require that structures be sited to provide for 75 years of erosion, with an absolute minimum of 25 feet from the bluff edge, before a shoreline protective structure would be needed. At the estimated rate of an average of 2 to 3 inches per year for bluff erosion, a 75 year setback equals 12.5 to 18.75 feet. The absolute minimum required by the Update is 20 feet on the Park Hill blufftop lots. Therefore, with the modification to the San Simeon Acres standards, the standards regarding blufftop setbacks contained in the Update will be consistent with Coastal Act section 30253. (Please see suggested modification 135)

### **Rural Areas**

As with flood hazards, most bluff erosion as a hazard occurs in the urban area. However, there are a few houses (less than a dozen), a warehouse, two motels, two restaurants, a lighthouse, and Highway One in the rural area that are located on bluff top property and could conceivably be subject to hazards associated with bluff erosion. Only one of these developments, Highway One, is currently protected from bluff erosion by a bluff protection device. As existing development, all of these could conceivably be allowed some sort of bluff protection device, if no feasible, less environmentally-damaging alternative was available.

Highway One is the only road to and along the coast north of Cambria. It serves as an access to the coast and beaches of northwestern San Luis Obispo County and southern Monterey County and provides access to the Big Sur Coast. Because of this, the highway may be thought of as a recreational feature. Highway One is often closed temporarily along the Big Sur Coast after winter storms. Those closures typically are the result of sudden and catastrophic landslides. In contrast, bluff erosion is typically a relatively slow, steady process, although erosion can be episodic. Nonetheless, the highway is subject to damage and potential closure from bluff erosion in several areas north of Cambria.

Highway One is adjacent to coastal bluffs at the various stream crossings and from just north of Pico Creek to Broken Bridge Creek, just south of the village of San Simeon, and then intermittently from about 2.5 miles north of San Simeon to the Monterey County line. The old highway alignment about 1.5 to 2 miles north of San Simeon shows evidence of old cribbing used to stabilize the bluff. The current alignment has only one place where a bluff protection device exists. This is about one half mile north of the Piedras Blancas Motel, at post mile 65.7.

Erosion of the bluff along Highway One at post mile 65.7 had progressed by early 1997 to the point where the bluff edge was only about two feet away from the edge of the highway. The Commission and San Luis Obispo County approved the placement of a rock rip rap revetment to protect the highway from further erosion. The Commission permit (3-97-39) is

conditioned to be an interim, five year permit, valid until August of 2002. At that time one of two things is required: either Caltrans removes the rock and returns the site to pre-construction conditions or Caltrans receives approval of an amendment to the permit for another five-year term. The permit is conditioned to require that if Caltrans applies for an amendment, then the application must include an alternatives analysis. The alternatives analysis must include all feasible measures to protect the highway while avoiding or minimizing encroachment onto the beach or tidal areas or elephant seal habitat. At a minimum, the analysis must consider road realignment, continued use of the rock revetment, removal of the revetment, and use of other bluff protection measures. Additionally, Caltrans must include a discussion of the cumulative impacts to coastal resources of continuing erosion in the vicinity of the revetment site where similar conditions exist or could reasonably be expected to occur.

In late November, 1997, Caltrans notified Commission staff that another area, approximately 0.3 mile south of the previously described site where rock slope protection was placed, had eroded to the edge of pavement. Caltrans proposed placing rock slope protection at this site. As of the time this report was written, Caltrans had not determined if the work would extend seaward of the mean high tide line, although the shoreline below the bluff is rather narrow in this vicinity. The preliminary plans indicate that rock would extend out about 15 feet from the edge of the highway but that no sandy beach would be covered.

Both the existing area plan and the Update discuss Highway One as the main route through the area along the scenic Big Sur Coast between the Monterey Peninsula and San Simeon and continuing south to San Luis Obispo. Possible widening of the highway is also discussed (see Roads Findings). The Update mentions developing paved turnouts and improved, paved shoulders suitable for a Class II bike lane. However, there is no discussion of the hazard of bluff erosion to the highway and the possibility of additional rock being placed at the base of bluffs or of having to move the highway inland in the near-to mid-future.

### ***Conformance with the Coastal Act***

As mentioned earlier, roads are considered structures under the Coastal Act (Section 30106). Section 30235 allows the construction of revetments and other bluff protection devices when required to protect existing structures. In other words, there must be no feasible alternative to the use of a shoreline structure. Shoreline structures can alter natural shoreline landforms such as shoreline bluffs. In addition, construction of the structure may destabilize parts of the bluff. Shoreline alteration can also occur through the long-term effect of greatly slowing erosion of bluffs which can deprive beaches of a source of sand. Erosion of ocean-fronting bluffs can be exacerbated at each end of a vertical seawall where wave energy can be directed at the bluff material. Vertical seawalls can also contribute to loss of beach when wave energy is transferred from the vertical face of the wall to its base. Whether the reason for a shoreline protection device is to prevent damage to or loss of a house or a road, such protective structures often have adverse consequences to shoreline landforms.

For the reasons just discussed and since bluff erosion is typically relatively slow, an

opportunity exists to evaluate alternatives other than shoreline structures for the protection of Highway One from bluff erosion. This is especially important since bluff erosion has reached another section of the highway. One alternative is to realign the highway inland a sufficient distance so that it, like houses in Cambria, will not need any bluff protection structure for 75 years. Incorporating such an alternative into the Update is consistent with Coastal Act Section 30235.

It is prudent to consider realignment as a method of protecting the highway from continuing bluff erosion that will endanger the highway sooner or later. Given the time (about five years) it takes for a major highway project such as a realignment to move through the system until it is funded, planning for moving the highway inland, away from the bluffs, should begin as soon as possible. Without such planning and analysis additional requests for approval of shoreline protection devices are sure to occur. For reasons of cost and ease of construction, unless the highway is realigned inland, the preferred engineering method of protecting the highway from ocean bluff erosion is and will continue to be rock revetments. Some, if not all, of those will cover some or all of a beach and interfere with public use of the beach or with elephant seal habitat, contrary to Coastal Act Sections 30211 and 30240.

North of San Simeon Acres Highway One is within an 80 foot wide “floating” easement granted by the Hearst Corporation to the State in 1938. The location of the easement is not limited to a specific route through the Hearst Ranch properties. The highway easement has been relocated at least twice in the past 16 years. Caltrans has realigned sections of the highway between San Simeon and Piedras Blancas inland, both for straightening of sharp curves and to put a greater distance between the highway and the bluffs. The most recent example was the realignment in the Twin Creeks area, approved by the Commission in 1996 and just recently completed. Ultimately, realignment of the highway will be cheaper than installation of numerous shoreline protective structures. More important, as a feasible alternative, realignment is a better strategy to meet the requirements of the Coastal Act. Section 30235 allows shoreline protective structures when there is no other feasible method of protecting existing structures. Section 30211 requires that development not interfere with the public’s right of access to the sea. Rock revetments can cover portions or all of a beach and thereby preclude public beach access.

In addition, and as detailed in the findings on environmentally sensitive habitats, the placement of riprap on Northern Elephant Seal haul outs is inconsistent with Section 30240 of the Coastal Act.

Without an analysis and policy response to the problem of Highway One erosion, the NCAP is inconsistent with section 30235 and 30240. Therefore it is necessary to modify the Update’s discussion of transportation alternatives on page 5-10 to include realignment of the highway inland as a means of preserving the highway. Realignment to avoid bluff erosion hazards also needs to be added to the Planning Area Circulation Programs on page 5-15 and to Combining Designation Programs on page 6-11. With those modifications, the Update will be consistent with Coastal Act sections 30211, 30241, and 30235. (Please see suggested modifications 26, 36, 37, and 47).

### 3. Flood Hazards

#### Urban Areas

While flooding can affect both Cambria and San Simeon Acres, Cambria is more flood prone with Santa Rosa Creek flowing through or near the commercial areas of the East and West Villages. The mapped flood hazard area in Cambria includes portions of the East Village adjacent to the creek and all of the commercial area of the West Village; even though Santa Rosa Creek is on the opposite side of Highway One from the West Village. Flood waters overtopping the creek banks upstream of the Highway One bridge can flow across the Mid-State Bank property and into the West Village. One reason for this is that the Highway One bridge cannot pass a 100 year flood. Water backs up behind the bridge and flows over land into the West Village. Although there are four culverts from the West Village under the highway to the creek, with flap gates on the creek end to prevent creek water from flowing into the West Village, they are less than fully effective when the creek is flowing at high levels and volumes, and according to the Cambria Village Center 1990 EIR, the culverts can only pass about 300 cubic feet per second (cfs).<sup>65</sup> According to the EIR, it has been estimated that during a 100-year storm approximately 2,700 cfs will flow from Santa Rosa Creek across the Mid-State Bank property and into West Village. Assuming each culvert can pass 300 cfs, for a total of 1200 cfs, the amount flowing into West Village is 1500 cfs more than the culverts can pass. Information in the EIR estimated the depth of inundation in the West Village would be as much as 6-7 feet at the northwesterly end of West Village (please see exhibit 18). These depths were in fact experienced during flooding in 1995, and may have been exceeded.

Since certification of the North Coast Area Plan in 1983, the West Village has flooded three times, once in 1986 and twice in 1995. The earliest flood date listed in the County's application for federal funds for flood control program development is 1969. Since then the West Village has flooded seven times, twice in 1969, once in 1973, once in 1978, once in 1986, and twice in 1995. These records from the last 28 years indicate that the West Village has been flooded by Santa Rosa Creek, on average, about once every four to five years, although in some years there may be multiple flooding episodes.

Flooding in San Simeon Acres is typically not as severe as that experienced by the West Village of Cambria. Pico Creek, at the north end of the community, is confined in a floodplain sufficiently below the elevation of the community to not pose a threat; its bed is some 40 feet below the general elevation of the community. The mapped flood hazard area for Pico Creek is contained within the banks of the stream. Arroyo del Padre Juan, at the southwestern corner of the community, does not have the watershed area to collect and convey very large amounts of runoff and only a few parcels would be affected.

The existing NCAP is silent on the issue of flooding along Santa Rosa Creek, although the Combining Designation Maps do show the flood hazard area. The Update proposes to add urban area standards regarding development in and near Santa Rosa Creek (7-50, 51).

One standard requires applications for new development in the Santa Rosa Creek watershed or in the West Village to include a drainage and erosion control plan and requires mitigation for significant adverse effects development may have on flooding and drainage problems. The other proposed new standards address maintenance of the biological viability of Santa Rosa Creek, monitoring of water levels and quality, and filling in the floodway and floodplain. In Chapter Six, the Update proposes a discretionary Combining Designation Program that includes the goals of preserving the natural flood plain and increasing the capacity of Santa Rosa Creek to handle flooding. (6-18)

### **Conformance with Coastal Act**

Coastal Act Section 30253 requires new development to minimize risks to life and property in areas of high flood hazard. As mentioned above, the amended Update contains standards that require a drainage and erosion control plan for new development in the watershed of Santa Rosa Creek or in the West Village (7-52). The County is also proposing that development in and adjacent to the creek not be approved unless a finding is made that historic stream flows will be maintained or enhanced (7-51). More generally, flooding hazards in the North Coast area are covered by the LCP. Hazards Policy 1 requires that all new development “be located and designed to minimize risks to human life and property.” Policy 3 requires a detailed geological review of development proposed in a flood hazard zone. This policy also prohibits new development within the 100 year floodplain, except for areas within the urban reserve line.

Overall, neither the NCAP as modified nor the general LCP provide adequate policies for minimizing flooding hazards in Cambria. As such, the NCAP is inconsistent with Coastal Act section 30253. In particular, there is no policy guarantee that flooding will not continue to jeopardize new development that is currently not prohibited from being located in the flood plain of Santa Rosa Creek. However, the County is currently investigating various possibilities for more comprehensive flood control, including the possibility of forming a flood control district. In addition, the County is focusing on other strategies to reduce the overall risks of flooding in the West Village, including:

- modifying the Highway One bridge to allow water from a 100 year flood to pass beneath the bridge;
- removing the piers from the Windsor Boulevard bridge to preclude debris trapping which can back up water into the West Village;
- constructing improvements in the West Village to intercept runoff from Happy Hill before it gets to the low-lying area along Main Street; and
- developing a watershed management plan (personal communication from George Gibson, County Engineering)

Nevertheless, the Update does not require any *mandatory* actions by the County to deal with the overall issue of flooding in West Village. Cambria Urban Area Community-wide Standard number 6(B) (pg. 7-50), which requires a finding that historic stream flows will be maintained or enhanced, does not adequately address the overall flooding problem. In

order to address the requirements of section 30253, a new standard needs to be added that requires that no development, except for public services, in the mapped flood hazard area within the Cambria Urban Services Line shall be approved until a comprehensive flood analysis and management plan for the mapped flood hazard area is certified as an amendment to the LCP and is implemented. The discussion of West village Commercial Retail land use on page 4-27 should be modified to indicate the need for a flood management plan (see modification 21), and Standard 16 (7-66) should be modified to limit uses in the floodplain (see modification 123).

The purpose of the flood analysis and management plan should be to limit flooding of the West Village from Santa Rosa Creek at the southeasterly edge of the Mid-State Bank property to the Windsor Boulevard bridge. This plan should also be consistent with section 30236, which limits the alteration of rivers and streams. Finally, at a minimum, the flood analysis should assess the four strategies or alternatives described above and possible improvements to the existing drainage from West Village under Highway One to the creek; and it should include an implementation timeline and identify sources of funding for necessary work. (Please see suggested modification 110.)

As for San Simeon Acres, the Update does not contain standards dealing with flooding, even though flood hazard areas are mapped along Pico Creek and Arroyo del Padre Juan. However, since flooding poses a relatively small threat in San Simeon Acres, the policies and standards contained elsewhere in the LCP are sufficient to ensure that any development there will not pose threats to life or property because of flooding. Therefore, the Update is consistent with Coastal Act Section 30253 regarding flood hazards in San Simeon Acres.

### Rural Areas

Although the rural portion of the north has many areas subject to flooding, there is relatively little development at risk. The stream in the rural area with the most development adjacent to it is San Simeon Creek, which has the potential to flood some scattered residential and ranch structures; the Cambria Community Services District's (CCSD) water wells; as well as the San Simeon State Park campground. Since the creek typically floods only during the rainy season, when campground use is lowest, the potential for loss of life at the campground is low. However, there could be substantial damage to park facilities. Damage did occur in the winter of 1996-97 when rock and earth were scoured from one of the abutments of a bridge over the creek in the State Park. Repair of that damage was approved by the Commission in November 1997. CCSD has recently installed a berm between the creek and its facilities just upstream from the campground in order to reduce the chance of flooding. Damage to the district's water wells could severely impact Cambria's potable water supply.

There is generally little development along the rest of the planning area's streams. Most of the development is agricultural. North of San Simeon Creek, flooding along Pico Creek would likely affect only portions of the Hearst horse ranch. Little Pico Creek has no development in its floodplain, nor do Broken Bridge Creek, Oak Knoll/Arroyo de Laguna, Arroyo del Oso, *Arroyo de la Cruz*, Arroyo de los Chinos, or *San Carpoforo Creek*. Arroyo del Puerto flows through the village of Old San Simeon, just south of the most southerly

structure in the village, but the only development likely to be flooded would be a parking lot with trash cans and picnic tables at the State Beach on the seaward side of the village.

South and east of Cambria, there is agricultural development along Santa Rosa Creek, Perry Creek, Ellyslly Creek, and Villa Creek at the extreme southern end of the planning area. Perry Creek also flows through the village of Harmony and could affect the small commercial and residential development there. In addition, Highway One crosses or is adjacent to all of these streams and the ocean and is subject to flooding and potential culvert and bridge washouts.

Flood hazard also exists in low lying, ocean-fronting areas from tsunami and storm wave runup. San Simeon Creek and the State Park campground could be subject to this type of flooding, as could Pico Creek, and other low lying coastal areas. This could conceivably also affect the Piedras Blancas lighthouse and research station and the Piedras Blancas Motel north of the lighthouse. Of course, Highway One would also be subject to flooding from tsunami and storm wave runup.

The LCP Coastal Policies document and Coastal Zone Land Use Ordinance provide regulations on new development and expansion of existing development in flood hazard areas. Both the existing NCAP and the Update contain a flood hazard combining designation. In the existing plan text it applies only to Santa Rosa, Perry, San Simeon, *Arroyo de la Cruz*, and *San Carpoforo Creeks*, although the combining designation map shows other streams with the flood hazard combining designation. The Update text adds Arroyo del Puerto, Oak Knoll, Little Pico, and Villa Creek. The combining designation map also shows Ellyslly Creek, although it is not referenced in the text.

### ***Conformance with the Coastal Act***

For the rural area, the Update has no specific flood hazard standards. Those are contained in other parts of the LCP which are not part of this submittal. In addition, and in contrast to standards for Cambria, the LCP prohibits new development within the 100 year floodplain in the rural areas. This is consistent with Section 30253. The Update identifies additional streams as flood hazard areas. However, a listing and/or discussion of Ellyslly Creek in the Update as a flood hazard is omitted. In order to be found consistent with Coastal Act Section 30253 relative to flooding in the rural area, the combining designation flood hazard text should be modified to add Ellyslly Creek.

## **3. Seismic Hazards**

Unlike bluff erosion, where the ongoing erosion is evident, seismic hazards are not readily apparent. The entire North Coast planning area is subject to damage from earthquakes, mostly through ground shaking. Local faults include the Oceanic and Cambria faults, and the San Simeon-Hosgri fault zone. The Cambria fault extends from the vicinity of Cayucos on the south to the vicinity of the Cambria area on the north. It is not officially designated as an active fault. It lies generally about one mile inland from the coast, although it may extend into the ocean north of Cambria, and there has been speculation that it may connect with the San Simeon-Hosgri fault system. The Oceanic fault lies about three to

five miles inland. This fault is not officially designated as an active fault, although some researchers think that there may be a basis for considering the possibility of recent fault activity.<sup>66</sup>

The local fault of greatest concern for future development in the planning area is the San Simeon-Hosgri fault. This fault complex is considered active and has been so designated by the State Geologist, at least where the San Simeon Fault is located on the land. The San Simeon and Hosgri sections appear to be connected offshore of the area between Cambria and San Simeon. The San Simeon fault lies in the vicinity of Old San Simeon. It extends on land in a north and northwesterly direction near the base of San Simeon Point at San Simeon Bay to the vicinity of Ragged Point, about 11 miles.

Although future development anywhere in the planning area is subject to seismic hazards, the largest single potential future development subject to seismic hazards is the Hearst Resort hotel in the area from the base of San Simeon Point to Highway One. This is the same area through which the San Simeon fault runs.

The Update proposes no changes to the existing area plan relative to seismic hazards. Both the existing plan and the Update call out the San Simeon fault as a geologic study area and note that it is an active fault subject to the provisions of the Public Resources Code Section 2621 et seq -- the Alquist-Priolo Act. In addition, the CZLUO for San Luis Obispo County incorporates PRC 2621 which addresses seismic hazards and its associated regulations (California Administrative Code Title 14, Sections 3600 et seq.), including the requirement that no structure intended for human occupancy be located within 50 feet of an active fault trace such as the San Simeon-Hosgri fault. It should be noted that in 1983, the time of original certification of the NCAP, the San Simeon fault had not been officially designated as a Special Studies Zone. That official designation did not occur until 1986.

Neither the existing plan nor the Update discuss seismic hazards elsewhere in the planning area. This is not inappropriate since there are no other faults officially designated as active in the planning area. However, the combining designation maps in the documents do not indicate that there is a seismic hazard area along the San Simeon fault, nor even that it is a Geologic Study Area, the County's general combining designation for areas of geologic hazard. Although the official maps on file at the Planning Department do show the San Simeon fault as a Geologic Study Area and fault zone, the maps in the existing area plan and in the Update do not give any indication of the fault zone.

### **Conformance with Coastal Act**

As currently modified, the NCAP does not sufficiently recognize the risks posed by seismic hazards in the North Coast planning area. In particular, since the LCP was certified, the State Geologist has designated the San Simeon-Hosgri fault as an active fault, subject to the requirements of the Alquist-Priolo Act. Indeed, several recently published studies of the San Simeon-Hosgri fault zone indicate an average rate of slip along the San Simeon fault of from 0.4 mm to 11 mm/yr. However, the "best constrained" value appears to be from 1 mm to 4 mm/yr. (see Hall, Hunt, and Vaughan; and Hanson and Lettis *in Seismotectonics*). Maximum lateral movement in a single event has been estimated to be about 1 to 2 m.



That kind of seismic event is estimated to occur within a range of from 265 to 2,000 years, with the “best constrained” values between 600 and 1,800 years (Hall, Hunt, and Vaughan).

Considered an active fault, i.e., having surface displacement in about the last 11,000 years, by the State Geologist, the San Simeon fault is therefore mapped as being an Alquist-Priolo Special Studies Zone. The Special Studies Zone is centered on the main fault trace and extends out for 500 feet on either side of the fault trace. In this zone a detailed geological report is required when structures for human occupancy are proposed. In any event, no structure intended for human occupancy may be located within 50 feet of an active fault trace, i.e., where the fault intersects the surface of the earth. This is a requirement of PRC 2621 and Title 14, section 3600 et seq. of the State Administrative Code. It is also found in the County’s land use ordinance at Section 23.07.086b.

The San Simeon-Hosgri fault trace is most problematic for the proposed Hearst Resort development. The NCAP does not contain any specific discussion of the prohibition of development within 50 feet of the fault zone in relation to the proposed building envelope. In addition, there are other features that may indicate the presence of other faults in the proposed hotel area. Some of these occur east of the Special Studies Zone, and there is speculation that they may be active and part of the Arroyo Laguna fault, which is associated with the San Simeon fault zone and which lies parallel to the San Simeon fault trace. In the area between Highway One and San Simeon Point, the two faults appear to be at most a few hundred feet apart and may come together. Envicom Corporation, under contract to the property owner, Hearst Corporation, in *San Simeon Environmental Constraints Study*, dated October 18, 1994, discusses the possibility of active faulting (Arroyo Laguna fault?) 600 to 700 feet northeast of and parallel to the San Simeon fault. That study also places the San Simeon fault approximately 400 feet east of where it is shown on the Alquist-Priolo Special Studies Zone map and with a trend more to the northwest. Other features not positively identified as faults are near the base of the Point and in the west central part of the site.

Quite obviously, any future development proposal will need to be based in part on the results of a comprehensive geologic investigation of the entire site. The Update states that the exact location of the building envelope for the hotel and accessory uses “shall be located within the preferred area (not on San Simeon Point) to be further determined during required Environmental Impact Report and Local Coastal Permit Processes.” Still, in light of new information since certification concerning the San Simeon-Hosgri fault trace, more rigorous regulation of development is required to bring the NCAP into conformance with section 30253.

Alquist-Priolo Special Studies Zone requirements prohibit structures intended for human occupancy from being closer than 50 feet to the fault trace. Other development, such as parking lots, trails, etc., may be allowed closer than 50 feet. In any event, all proposed development in the Special Studies Zone will require thorough geologic investigation, the results of which will be used in determining exactly where to locate development consistent with the approved development envelope.

The North Coast Area Plan should be modified to allow building development at Old San

Simeon no farther west than 50 feet east of the trace of the San Simeon Fault, subject to the results of geologic investigation.

It is clear from the Special Studies Zone requirements that a hotel or other structures proposed for human occupancy could not be sited in the near-vicinity of the San Simeon fault trace. Since it is unknown just what the potentially fault-indicative features elsewhere on the site are, any environmental impact report and coastal development permit will need to address the geology of the site in detail. Therefore, to maintain consistency with Coastal Act Section 30253, a Standard is needed to require that site selection for the proposed future development northwest of San Simeon shall also require, and be based on a detailed geological investigation and report conducted by a certified engineering geologist or other qualified professional. If the County modifies the Update to include this requirement, then the Commission can find the document consistent with Coastal Act Section 30253 relative to seismic hazards. (Please see suggested modification 97.)

The Update maps do not indicate that an Alquist-Priollo Special Studies Zone has been established for the San Simeon fault. The County should modify the Update maps to indicate the presence of the Alquist-Priollo Special Studies Zone. (Please see suggested modification 137)

#### **4. Fire, Landslides, and Non-coastal bluff erosion**

Fire, landsliding, and non-coastal bluff erosion hazards are addressed only obliquely, if at all, in the existing Area Plan and in the NCAP Update. However, these hazards are adequately addressed in other sections of the County's' LCP, primarily the Coastal Policies document and the Coastal Zone Land Use Ordinance (CZLUO). In general, the LCP requires the following:

- a fire safety plan with all land use permit applications within urban or village reserve lines other than single family-dwellings on existing lots with fire agency approval, and with all applications for uses in the rural areas (Hazards Policy 9, CZLUO Section 23.05.082 et seq.);
- a grading permit when grading is proposed on slopes over 20 percent (Hazards Policy 7, CZLUO Section 23.05.020 et seq.);
- a sedimentation and erosion control plan when grading is proposed from October 15 through April 15, on slopes over 30 percent, in geologically unstable areas, and within 100 feet of a stream (Watershed Policies 8, 9, and 13, CZLUO Section 23.05.036, et seq.);
- a drainage plan for development on slopes steeper than 10 percent (Hazards Policy 8 and 9, CZLUO Section 23.05.042 et seq.);
- and geologic and soils reports for projects located in a Geologic Study Area, which includes areas subject to landslide and other areas of geologic hazards (Hazard Policy 2, 3, and 7, CZLUO Section 23.07.080 et seq.).

### **Conformance with Coastal Act**

There is no need for new or modified standards in the Update regarding fire, landsliding, or non-coastal bluff erosion. Policies and standards to minimize those hazards already exist in the LCP. No issues have been identified by staff that would suggest a need for additional area-specific standards or programs. Therefore, the NCAP is consistent with the Coastal Act with respect to fire, landslides, and non-coastal bluff erosion hazards.

# Archaeology

## Coastal Act Policies

Archeological resources are protected by Coastal Act Section 30244, which requires that development that would adversely impact archaeological resources provide mitigation for such impacts. In addition, section 30250 requires that new development not have significant adverse effects, individually or cumulatively, on coastal resources.

## Overview of North Coast Archaeology

The North Coast of San Luis Obispo County is rich in archeological sites. The area marked the northern extent of the Chumash people and the southern extent of the Salinan people. While only about 10 percent of the North Coast Planning Area has been surveyed for archeological sites, at least 153 prehistoric sites have been identified and recorded.

Within the Cambria Urban Reserve Line there are at least 25 archaeological sites. Several of those are on the East-West Ranch, the single largest undeveloped property within the Cambria Urban Reserve Line, and total about three to four acres, or roughly one percent of the area of the East-West Ranch. In the rural area, sites located at or near the proposed Hearst resort and golf course northwest of San Simeon, excluding San Simeon Point, are estimated to cover from about 172 to over 225 acres or (about 39 percent to about 51% percent of the area). The sites on San Simeon Point cover about 13 acres, or about 20 percent of the area of the point.

The inventory of 153 recorded sites should by no means be considered complete, since only 10 percent of the planning area has been surveyed and the survey methodology for many of those sites would not be acceptable under current standards used by professional archaeologists. Furthermore, not all of the known sites have had subsurface investigations; for those sites there is incomplete information about their nature and significance.

## Issues and Analysis

### 1. Urban Areas: Cambria and San Simeon Acres

Numerous archeological sites exist in Cambria, with more than a dozen in the Lodge Hill area alone. On the single largest undeveloped property in Cambria, the East-West Ranch, numerous sites also have been identified. Much of the area along the lower reach of Santa

Rosa Creek is developed and has been for decades. Areas along creeks are often likely locations of archeological sites. In the East Village, with its intensive development, any sites that may have been located on the north side of the creek, where most of the development is, have been subjected to great disturbance. The south side of the creek is less developed and could conceivably harbor additional archeological resources. This is especially the case where Santa Rosa Creek lies between the east part of the East-West Ranch and the Mid-State Bank property and between Highway One and the west part of the East-West Ranch. West Lodge Hill and the East-West Ranch have numerous sites.

San Simeon Acres currently is built out with almost one-half of its allowable residential units. In contrast, existing commercial use (which is the only other land use in San Simeon Acres other than the waste water treatment plant), has about 50 percent of the total potential buildout remaining. Nonetheless, most of the land area of San Simeon Acres has been disturbed. The two most likely locations for archeological sites are along the two creeks: Pico Creek and Arroyo del Padre Juan. Very little, if any, development could occur in the community on undisturbed land. New archeological discoveries, while not impossible, are unlikely in San Simeon Acres.

### **Conformance with Coastal Act**

In the existing NCAP, Cambria Urban Area Communitywide standard 8A, which applies only to the East-West Ranch, requires that development not occur in areas of archaeological resources, except for crossing bridges and bicycle and pedestrian paths. This requirement is carried over in the Update on page 7-62, Standard 13.C.2, applicable only to East-West Ranch. Cambria Urban Area Recreation Standard 25 contains the same language as the previously mentioned standard, but applies only to the Recreation category in the East Village (Mid-State Bank site). That standard is carried over in the Update but under Cambria Urban Area Commercial Retail Standard 8 on page 7-81. This is because the Update, is also proposing that part of the Mid-State Bank site be redesignated Commercial Retail. Neither the existing Area Plan nor the Update contain an areawide standard protecting archaeological resources.

Archaeological policies and standards applicable throughout the Coastal Zone are found in other portions of the LCP, specifically in the Coastal Plan Policy document and in the Coastal Zone Land Use Ordinance (CZLUO). According to the Update EIR, two additional archeological mitigation measures, which the County would eventually apply county-wide, are being considered with the update of another, non-coastal area plan. One measure includes adding six existing policies from the Coastal Plan Policy document to the CZLUO or the Framework for Planning. It is unclear how this repetition of existing policies elsewhere in the LCP would afford any added protection to archaeological resources. In any event, they are not proposed to be included in the Update.

The second archaeological mitigation measure would extend the archeological protection and mitigation measures currently applied only to discretionary permits to all projects resulting in earth disturbance. These include (1) site-specific research surveys and inventory of site resources by archaeologists where existing information is not adequate or where database and professional experience suggest the presence of cultural resources; (2) implementation of a County-approval plan by the developer to avoid impacts or

preserve important resources based on survey recommendations prior to project approval; and (3) protection of sites by designating them open space, by use of easements, or other means.

It must be emphasized that the mitigation measures from the EIR outlined above are not included in the Update, as standards (mandatory regulations) or as programs (non-mandatory County actions dependent on future funding, etc.). In order to be consistent with Coastal Act Section 30244, therefore, it is necessary to require systematic surveys of development sites. In particular, a new archaeological protection standard 26 should be added to the Update Areawide Standards that requires preliminary site surveys by professional archaeologists for sites proposed for development, with additional investigation if, in the professional opinion of the archaeologist conducting the survey, additional investigation is warranted (see Modification 65).

Similarly, the East-West Ranch is proposed for large scale development (265 units). It is known that this area has numerous archeological sites. Because of this, and to be consistent with Coastal Act section 30244, it is appropriate to modify East-west Ranch standard 10, Permit Requirements, to require that an application for any proposed development on any part of the East-West Ranch shall include an archaeological site survey by a professional archaeologist according to current professional and CEQA standards (see Modification 117). Standard 13.C.2 also must be modified to require that where artifacts or human remains are discovered, no development be allowed there unless there is no feasible alternative site for the development and after consultation with representatives of the Chumash as to disposition of artifacts or remains found. If the County so modifies the Update, relative to archaeology in the Cambria urban area, it can be found consistent with sections 30244 and 30250.

Finally, as discussed above, it is unlikely that new archaeological sites will be found within San Simeon Acres, where there are no large undeveloped areas such as the East-West Ranch in Cambria. Therefore, no site specific archaeology standards are needed in that area to ensure consistency with Coastal Act section 30244 and 30250.

## 2. Rural Area

The rural areas of the North Coast have a higher likelihood of containing undiscovered archeological sites than do the urban areas because of the prevalence of large rural parcels with relatively little disturbance. However, there are disturbed sites in the rural area where little in the way of new archeological material will likely be found. These areas include San Simeon State Park campground (which contains recorded sites), Old San Simeon, the Hearst Castle visitor center-staging area, the Piedras Blancas Lighthouse, and the Piedras Blancas Motel. The Highway One right-of-way also contains relatively undisturbed areas outside of the actual road area where archeological sites could exist. In particular, archaeological sites exist in and near the recent realignment of Highway One in the Twin Creeks vicinity. Other known locations and/or potential archeological sites are along the creeks in the rural area such as Pico, Little Pico, Arroyo del Puerto, Oak Knoll Creek, Arroyo Laguna, Arroyo de la Cruz, and San Carpoforo Creeks; and the area including and from San Simeon Point to Oak Knoll Creek, where the Hearst resort and golf

course would be located.

The existing Area Plan includes a Historical site combining designation in the vicinity of Van Gordon Creek, which is proposed to be deleted in the Update. Although this would appear to lessen protection given this site, the site information and location is on file at the Central Coast Information Center of the California Archaeological Inventory at the University of California, Santa Barbara. Unlike the other Historical sites, the historic structure at this site is not in use and in fact is buried. The site also contains prehistoric material and the location of a prehistoric site is not usually identified on public land use maps, so in fact, the deletion may provide additional protection for the site. Therefore the proposed deletion is consistent with Coastal Act section 30244.

### **Conformance with Coastal Act**

In the existing NCAP, Rural Area Recreation Standard 24, which applies only to the Hearst Ranch, requires a preliminary site survey prior to completion of site plans for development, and requires mitigation measures whenever feasible. The County is not proposing to carry this standard over in the Update. Given the potential for archaeological sites in the vicinity of the Hearst Resort development, removing this requirement would not be consistent with Section 30244.

More important, though, in 1993 and 1994, an eminent local professional archaeologist, Robert O. Gibson, under contract to Envicom Corporation, conducted surface surveys of the area of the Hearst proposed golf course and resort and of San Simeon Point.<sup>67</sup> According to the constraints studies, three new prehistoric archaeological sites were discovered on the 440 acre golf course and resort location, and one new prehistoric archaeological site and two historic sites were discovered on the Point.

As a result of these investigations, Gibson estimated that up to about 51 percent (225 acres) of the area of the proposed resort and golf course contains known archaeological sites. According to the constraints study, Envicom planimetered the sites on an engineered topographic base map and estimated that the known archaeological sites cover about 39 percent (172 acres) of the area of the proposed golf course and resort. Approximately 20 percent (13 acres) of the area of San Simeon Point, not proposed for development, contains known archaeological sites.

Since Gibson's work was a surface survey and did not include detailed subsurface work, the exact extent and nature of the sites is unknown. However, it is clear that the sites are extensive.

Professional archaeologists have long urged *avoidance* of archaeological disturbance through project re-siting or re-design as the preferred method of mitigation. Where avoidance is not feasible, other forms of mitigation including scientific excavation are called for. As submitted, the Update will not result in the necessary mitigation, and does not conform to Coastal Act policies.

Given the large area of the archaeological sites in this location, and to maintain

consistency with Coastal Act section 30244, it is necessary not only to retain a requirement for preliminary site surveys, but also to modify Standard 3 on page 7-16 to include impacts to archaeological resources as one of the items to be reviewed before development; and to require that an application for any proposed development shall include a report of a detailed subsurface investigation by a professional archaeologist according to current professional and CEQA standards. For the same reasons, it is necessary to require that site selection shall also require and be based on a detailed subsurface archaeological investigation and report by a professional archaeologist according to current professional and CEQA standards and including consultation with and incorporation of comments from acknowledged representatives of the Chumash. Finally, the Combining Designation map should be modified to indicate the archaeologically sensitive nature of the area (see modifications 43, 84, and 97).





# California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The final Environmental Impact Report (EIR) for the North Coast Area Plan Update was released on March 20, 1996. It analyzed four alternative development scenarios: **1)** no development, **2)** existing plan buildout, **3)** Area Plan Update plus owner requested land use changes, and **4)** reduced project which would modify the Area Plan Update to reduce overall development. Ultimately, the County adopted alternative 4. The EIR identified significant, unavoidable adverse impacts to circulation and water, for which the Board of Supervisors issued a "statement of overriding considerations" under Section 15093 of the CEQA Guidelines. Subsequently, the Board made three revisions to the Update, each time issuing an EIR addendum finding that the revisions were minor. The revisions included increasing maximum development of the Hearst Ranch Resorts and the East West Ranch, and reducing the minimum parcel size on the east and north sides of Cambria, adjacent to the Urban Reserve Boundary.

The North Coast Area Plan (NCAP) Update amendment contains various policies which would strengthen visual resource protection standards, amplify tree removal criteria, moderately shift major development locations on the Hearst Ranch and East/West Ranch, and result in numerous other revisions to the certified LCP. However, in many instances these revisions are insufficient to adequately protect resources or to result in Coastal Act conformance. For example, some of the tree protection measures are not mandatory; the creation of new "viewshed" lots along Highway One would still be possible; and the amount of development allowed in the Hearst Ranch Resorts Plan section of the NCAP exceeds known water supplies. Accordingly, the NCAP Update as submitted does not represent the least environmentally damaging feasible alternative. However, these deficiencies can be corrected if the County adopts the Suggested Modifications attached as Appendix A to these Findings. If so modified, the NCAP as amended will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.



# End Notes

- <sup>1</sup> In contrast to LCP amendments, which are typically initiated by local governments, Periodic Reviews are initiated by the Commission itself under Coastal Act section 30514.
- <sup>2</sup> Amended 1993, Ord. 2634, *Framework for Planning*, 8-9.
- <sup>3</sup> Additional Periodic Review of the North Coast Area Plan, as well as the County's larger LCP, may also be necessary in the near future.
- <sup>4</sup> Staff notes that this division of responsibilities is observed by the State Water Resources Control Board in a standard condition attached to the various recent permits issued in the North Coast Area. This condition is as follows:  
*29. The Board reserves jurisdiction, after notice and opportunity for hearing to reduce the quantities of water set forth in term 5 to be consistent with the final certification of the Local Coastal Program Land Use Plan or with any final court order regarding certification of such plan for the County of San Luis Obispo or any geographically separable portion which includes the subject property.*
- <sup>5</sup> Hearst Corporation and Rural Profile, County of San Luis Obispo, January 13, 1995.
- <sup>6</sup> Sage Associates, p. 4-1.
- <sup>7</sup> Although the Hearst Corporation owns property (approximately 700 acres) immediately adjacent to all three sides of San Simeon Acres, no development has been proposed for such locations. Nor has the County analyzed any such options under Section 30250. In addition, section 30250 requires that new development be located in existing urban areas able to accommodate it. As discussed elsewhere in this report, both Cambria and San Simeon Acres have resource constraints that would need to be carefully analyzed prior to any expansion of these urban areas.
- <sup>8</sup> It might also be noted that there is a building moratorium in San Simeon Acres, because of the lack of water. Development at this location, therefore, is effectively precluded at this time. As discussed in more detail in Issues 2 and 3 of this finding, Cambria is similarly constrained, although the Services District has not gone so far as to impose a moratorium on new development. As discussed in detail in the water supply findings, encouraging new intensive visitor-serving development in Cambria would not be good resource planning. In short, new visitor-serving development in Cambria is not very easily accommodated either.
- <sup>9</sup> The Commission is not acknowledging the appropriateness of this zoning per se but rather suggesting that this 17 acre zone approximates the historical development node at Old San Simeon.
- <sup>10</sup> Table I, Fiscal Analysis, Haurrath Economic Group, 1997.

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- <sup>11</sup> “Fiscal Analysis of Plan Alternatives, Infrastructure Costs and Visual Simulation”, Hausrath Economics Group, April 1997.
- <sup>12</sup> Please see letter from the North Coast Advisory Board to Chairman Brackett, dated October 27, 1997.
- <sup>13</sup> See State Water Resources Control Board, Application 28158, 1989, pg. 18.
- <sup>14</sup> Hydrogeology, Water Quality, Water Budgets and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Groundwater Basins, USGS 1994, Yeates and Van Konyberg
- <sup>15</sup> Hydrogeology, Water Quality, Water Budgets and Simulated Responses to Hydrologic Changes in Santa Rosa and San Simeon Creek Groundwater Basins, San Luis Obispo County, July 12, 1994, by Eugene Yates and Katherine M. Van Kroynenburg.
- <sup>16</sup> North Coast Area Update, Fiscal Analysis of Plan Alternatives, Infrastructure Costs and Visual Simulation, May 1997, prepared by Hausrath Economic Group
- <sup>17</sup> 1996 water production records show that during the three lowest water use months a total of 137 AF was consumed; during the three highest water use months a total of 223 AF was consumed -- a 40% increase.
- <sup>18</sup> Please see full text of letter from Susan Petrovich and Robert Saperstein, attorneys for East/West Ranch, to the Board of Directors of the Cambria Community Services District, dated October 9, 1997.
- <sup>19</sup> This small creek is located in the southern portion of the planning area and winds miles from the headwaters in the Santa Lucia Mountains to empty into the ocean north of Cayucos. There is no information about this creek in the North Coast Area Plan.
- <sup>20</sup> Golf course at the pine forest deleted in current and proposed plan
- <sup>21</sup> San Carpoforo Point Resort deleted in current and proposed plan
- <sup>22</sup> Personal communication, E.Y. Brown, Pebble Beach Company, water use and play rates for Pebble Beach Golf Course.)
- <sup>23</sup> For a definition of LOS, please review the chart on page 5-4 of the plan.
- <sup>24</sup> 1982 E.I.R. -- Envicom
- <sup>25</sup> Personal Communication, Forest Warren, San Simeon Community Services District.
- <sup>26</sup> Conversation with Richard Kramer, DPR staff at Hearst Castle
- <sup>27</sup> Adopted from EIR -- Envicom
- <sup>28</sup> Based on figures for this use in the 1982 E.I.R.
- <sup>29</sup> EIR, Id.

- <sup>30</sup> Correspondence, California Department of Parks and Recreation to California Coastal Commission, Nov. 26, 1997.
- <sup>31</sup> California Coastal Commission, Findings for Denial of LUP as Submitted, July 28, 1982.
- <sup>32</sup> For example, see Lodging Industry Profile, showing a 65.2% average occupancy rate for the industry in 1996.
- <sup>33</sup> Handout, Santa Cruz County Visitor Bureau.
- <sup>34</sup> San Luis Obispo County Department of Planning, Transmittal, September 17, 1997.
- <sup>35</sup> It might be observed that in contrast to a recent Commission decision to allow a golf course in Santa Barbara County, which involved an already degraded viewshed, with ample water, and the potential to retire residential development, the Hearst Resort proposal involves a relatively pristine viewshed, virtually no guarantee of water, and the conversion of viable Agricultural lands. Thus, the two cases are completely different in their basic facts. See California Coastal Commission, A-4-93-154.
- <sup>36</sup> The Coastal Act adopts four definitions of prime agricultural land found in the Williamson Act. These are (1) All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications; (2) land which qualifies for rating 80 through 100 in the Storie Index Rating; (3) land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S.D.A.; and (4) land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
- <sup>37</sup> EIR, C.T. Ranch, Cambria, CA; Volume III, Q-37, Dec. 1992
- <sup>38</sup> San Luis Obispo County *Coastal Plan Policies*, 7-3, 1995.
- <sup>39</sup> For example, an analysis of the CT Ranch property in 1992 estimated that the tax bill for approximately 1400 acres would be reduced from over \$40000 to \$1000, EIR, C.T. Ranch, *Id.*
- <sup>40</sup> EIR, C.T. Ranch, Cambria, CA; Volume III, Q-37, Dec. 1992.
- <sup>41</sup> San Luis Obispo County *Coastal Plan Policies*, 7-3, 1995
- <sup>42</sup> The Cambrian, December 3, 1987, 5.
- <sup>43</sup> San Luis Obispo County Major LCP Amendment 2-88, Adopted Findings, August 25, 1988.
- <sup>44</sup> Comments of the Hearst Corporation, Tab G.
- <sup>45</sup> Sage Associates, *The Hearst Ranch Agricultural Compatability Study Visitor Serving*

*Facilities*, July 1988, 4.

- <sup>46</sup> The Commission found that "an easement . . . over the remaining property [was] necessary in order to find that the development proposed on the Ranch [could] be balanced with the maintenance of the existing agricultural uses . . . protected by Sections . . . 30241 and 30242 of the Coastal Act." CCC, Revised Findings for Suggested Modifications for Resubmittal, Oct. 10, 1983.
- <sup>47</sup> See California Coastal Commission, Adopted Findings, San Luis Obispo County Major LCP Amendment, 2-88, August 25, 1988.
- <sup>48</sup> Comments of the Hearst Corporation, Tab G.
- <sup>49</sup> Sage Associates, *The Hearst Ranch Agricultural Compatability Study Visitor Serving Facilities*, July 1988, 2.
- <sup>50</sup> Comments of the Hearst Corporation, Tab G.
- <sup>51</sup> Soil Survey of San Luis Obispo County, California, Coastal Part, U.S. Department of Agriculture, Soil Conservation Service, 1984.
- <sup>52</sup> Sage Associates, 1997, iv.
- <sup>53</sup> These are soils 120 and 121 in the SCS classification system.
- <sup>54</sup> Sage Associates, 1997, 4-9.
- <sup>55</sup> The ordinance also allows for averaging of minimum parcel sizes where uses and/or soil types differ.
- <sup>56</sup> See CZLUO section 23.08.167.
- <sup>57</sup> Bank of America, Report on Urban Sprawl, 1997
- <sup>58</sup> See San Luis Obispo County Major LCP Amendment 1-88; also, Transcript for July 14th, 1988 public hearing, for this amendment, p. 15.
- <sup>59</sup> *The Status of Rare, Threatened, and Endangered Animals and Plants of California*, CDFG, Jan. 1997.
- <sup>60</sup> Steelhead Population and Habitat Assessment on Arroyo de la Cruz, San Luis Obispo County, 1993, by Jennifer Nelson, Fisheries Biologist, CDFG.
- <sup>61</sup> This table is based on official public documents, air photo interpretation, field observations, and public information submittals to the Commission. No conclusions are intended concerning the status of historic or prescriptive uses along the shoreline.
- <sup>62</sup> Vista Point #4 was recently opened for public use, although the exact status of the vertical accessway to the shoreline, required as part of the recent permit for the Caltrans realignment is still being resolved.

<sup>63</sup> There has been a recent successful trespass prosecution on the West Ranch; but this was not a prescriptive rights case.

<sup>64</sup> California Civil Code, Section 813.

<sup>65</sup> A cubic foot of water equals 7.7 gallons.

<sup>66</sup> see Clark, et al, in *Seismotectonics of the Central California Coast Ranges*, Geological Society of America, Special Paper 292, 1994.

<sup>67</sup> *San Simeon Environmental Constraints Study*, Envicom Corporation, 1994, and *San Simeon Point Environmental Constraints Study*, Envicom Corporation, 1995).