

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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Th16a



**Prepared July 8, 2008 (for July 10, 2008 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Charles Lester, District Director  
Jonathan Bishop, Coastal Program Analyst

**Subject: STAFF REPORT ADDENDUM for Th16a SLO-MAJ-2-04 Part 2 (Estero Area Plan Update).**

As described in the June 27, 2008 staff report, San Luis Obispo County proposes to amend its Local Coastal Program by updating the Estero Area Plan component of the Land Use Plan (LUP).

Since the staff report was completed, the County of San Luis Obispo and other interested parties have suggested changes to the recommendations. In response to these comments, staff has revised a number of the suggested modifications and has supplemented the staff recommendation with additional findings where necessary. The changes are shown below as follows (new text shown with double underlines; deletions are shown with ~~double strike-throughs~~):

### **I. Changes to Suggested Modifications**

#### **1) Delete second to last bullet in Summary of Staff Recommendation.**

- ~~Strengthening archaeological resource protection standards through required coordination and consultation with appropriate Native American representatives.~~

#### **2) Suggested Modification 21**

**pg. 5-20. Improvement of Publicly-Owned Sites.** Delete bullet and reference on Figure 5-2

#### **3) Suggested Modification 38**

**B. Bluff Setbacks.** The bluff setback is to be determined by the engineering geology analysis required in A.1. above adequate to withstand bluff erosion and wave action for a period of 100 years. In no case shall bluff setbacks be less than 25 feet. Alteration or additions to existing ~~non-conforming~~ development that is non-conforming with respect to bluff setbacks that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 11, 2007, shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP. On parcels with legally established shoreline protective devices, the setback distance may account for the additional stability provided by the permitted seawall, based on its existing design, condition, and routine repair and maintenance that maintain the seawall's approved design life. Expansion and/or other alteration to the seawall shall not be factored into setback calculations.



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Staff: J.Bishop Approved by:

SLO-MAJ-2-04 Part 2 (Estero Area Plan Update) addendum 7.8.2008.doc

**4) Add new Areawide Standard J on page 7-10 regarding water supply offsets.**

J. New development using water from the Los Osos Groundwater Basin shall be required to offset water use within the Los Osos Groundwater Basin and shall not result in a net increase in water use.

**5) Add new figure of the Los Osos Groundwater Basin to accompany new Areawide Standard J.**

**6) Suggested Modification 41**

D. Highway 1 and Los Osos Valley Road as shown on Figure 7-7 in the rural portions of the Planning Area ~~is a~~ are Scenic Corridors. All applicable standards in the Coastal Zone Land use Ordinance apply (e.g., those in Chapter 23.4).

**7) Figure 7-8 Highway 1 – Cayucos Critical Viewshed. Add the following text to Figure 7-8:**

This map is for reference purposes only and doesn't depict all potentially visible areas.

**8) Suggested Modification 42 - Delete 3.a.1 (Landscape Requirements) in its entirety.**

~~(1) Landscape Requirements. All new development within the Los Osos urban reserve line that requires a land use permit or coastal development permit and that results in a site disturbance of 500 square feet or more shall comply with the following when landscaping. When a landscaping plan is required by the Coastal Zone Land Use Ordinance, the following requirements shall be incorporated into the plan:~~

~~(i) An area that is landscaped with native vegetation shall be provided.~~

~~(ii) Non-sandy soils or soil amendments that would be detrimental to coastal scrub vegetation shall not be used.~~

~~(iii) Native plants (Los Osos Species) shall be used, though not exclusively.~~

~~(iv) Non-native plants that change the soil in a manner detrimental to the Morro shoulderband snail (e.g. eucalyptus) are prohibited. Invasive plants (e.g. certain grasses) shall be avoided.~~

~~(v) The use of molluscicides is prohibited~~

**9) Suggested Modification 43 – Modify Standard 6 on pages 7-25 and 7-26.**

(6) Site Disturbance. This standard is intended to provide maximum preservation of Los Osos Dune Sands and its associated habitat of rare and endangered species. ~~The maximum amount of site disturbance specified in subsection b(6)(i) of this standard shall be reduced by the review authority to the extent necessary to~~ New development causing site disturbance shall ensure protection of habitat for Morro manzanita, Indian Knob mountainbalm, or any other rare or endangered species determined to be present on the site. However, limitations on the amount of site disturbance shall be consistent with applicable legal requirements to allow reasonable use of the site.



Site disturbance includes disturbance of the following areas ~~in connection with non-agricultural activities~~: areas disturbed by structures, roads, utility trenching, and pavement; areas on which grading or removal of native vegetation occurs. Site disturbance does not include activities that are consistent with the restoration and maintenance of native plant habitats as guaranteed by project approval.

~~(i) Limitation on Site Disturbance. Where it is not feasible to locate a building site without causing adverse impacts to Los Osos Dune Sands, its associated habitat of rare and endangered species, and the required setbacks therefrom, as verified by the required biological report, the maximum total, aggregate amount of site disturbance as necessary to avoid a takings of private property, shall be up to as follows:~~

- ~~(a) Sites Less Than or Equal to One Acre in Area: 10,000 square feet.~~
- ~~(b) Sites Greater Than One Acre in Area: 20,000 square feet.~~

~~(ii) Adjustment of Limitation on Site Disturbance. The limitation on site disturbance in preceding Section b(6)(i) may be adjusted through Minor Use Permit provided that the following findings can be made:~~

- ~~(a) An adjustment is necessary to allow reasonable use of the site, or compliance with the limitations on site disturbance would cause more environmental damage on balance than an alternative that exceeds those limitations; and~~
- ~~(b) Alternative designs that comply with the limitations on site disturbance are infeasible or more environmentally damaging; and~~
- ~~(c) Adverse environmental impacts are mitigated to the maximum extent feasible; and~~
- ~~(d) The adjustment is the minimum amount necessary to allow reasonable use of the site.~~

## 10) Suggested Modification 51

**pg. 7-53. North of Veterans Building.** Modify and move to Recreation (REC) standard A.3 on pg. 7-59:

## 11) Suggested Modification 54

Map M1

- 1) AG to RL – ~~Maintain AG.~~ Add new development standard that limits residential density on this parcel to one unit
- 4) AG to RL – ~~Maintain AG.~~ Add new development standard that prohibits residential development on the portion of the property within the Coastal Zone.

## **II. Supplemental Findings**

### **1) Add the following ESHA finding to paragraph 4 on page 33 of the staff report:**

Landscaping standards included in the submittal that are intended to address urban development within the Los Osos Dune Sands SRA should be deleted because the urban area is not before the Commission.



Similarly, prescribing definite square foot limitations on site disturbance within Los Osos Dune Sands ESHA under a takings scenario is not appropriate at this time and should be deleted (see Modification 42).

**2) Modify Findings for Proposed Land Use Changes on pg. 30 of the staff report:**

26 acres along Highway 41 - Map M1 and M5

~~Changing the Land Use designation on this site is inconsistent with the Coastal Act.~~ According to the applicant's representative, the purpose of this land use designation change is to set up a future subdivision for estate planning purposes. A detailed agricultural viability report has not been provided by the County. While not prime agricultural soils, the EIR describes this land as moderately suitable for grazing operations. Cumulative impacts are also a concern as this plan would establish a baseline for additional residential uses on a site with some history of agriculture. To address the concern of increased residential densities on agricultural land in this case, and to not prejudice future determinations, a new standard specific to this parcel is needed that prohibits residential development within the coastal zone (see Modification 54).

22 acres at Clark Valley Road – Map M1 and M2

The LUP proposes to change the land use designation of an undeveloped 22-acre site at the terminus of Clark Valley road. Topography is steep and hillsides are heavily vegetated. While the County makes a strong case that agricultural production potential on the site is poor, this alone does not allow for conversion to non-agricultural uses under the Coastal Act. Concerns are raised over the cumulative impacts of conversion of agricultural lands. Changing the land use category to Rural Lands will establish a potential for increased residential development potentially in conflict with adjacent agricultural uses. Agricultural lands can also help maintain a rural open space character of an area. Impacts of non-agricultural development on views and landform alteration may also be exacerbated by a zoning change that effectively doubles the residential density on the parcel. To address this concern in this case, and to not prejudice future determinations, a new standard specific to this parcel is needed that limits development to a single residential unit (see Modification 54).



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**Prepared June 27, 2008 (for July 10, 2008 hearing)**

**To:** Commissioners and Interested Persons

**From:** Charles Lester, Deputy Director  
Jonathan Bishop, Coastal Program Analyst

**Subject: San Luis Obispo County Local Coastal Program Major Amendment No. 2-04 (Part 2) Estero Area Plan.** For public hearing and action at the California Coastal Commission's July 10, 2008 meeting to take place in San Luis Obispo.

### Synopsis

San Luis Obispo County proposes to amend its Local Coastal Program (LCP) by updating the Estero Area Plan component of the Land Use Plan (LUP). The proposed LUP amendment is a comprehensive update to the policies, programs, maps, and standards that guide and regulate development in the Estero Area. The amendment updates the background information included in the existing Estero Area regarding both urban and rural areas, but does not change existing standards or programs applicable to the urban area of Los Osos.

### Summary of Staff Recommendation

The submitted update is the result of many years of significant effort by San Luis Obispo County, the public, and other significant stakeholders. Based on this work, the County has effectively addressed many of the outstanding issues in Estero. Nonetheless, certain modifications are required to fully address consistency with the requirements of the Coastal Act. **Therefore, staff is recommending that the update be approved if modified as recommended in this staff report.** In summary, major suggested modifications include:

- Updating public service capacity and new development standards related to services, roads, and schools.
- Ensuring a stable rural-urban boundary for Cayucos.
- Maintaining opportunities for lower-cost visitor serving and recreational facilities.
- Maintaining agricultural lands and minimizing conflicts between agriculture and non-agricultural uses.
- Enhancing ESHA protection.
- Improving standards that prevent polluted runoff from point and non-point sources.
- Ensuring that scenic public views are protected on the hillsides surrounding Cayucos and Los Osos.
- Strengthening standards related to bluff setbacks, potential seawall development, and



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redevelopment of existing developments on blufftop lots.

- Strengthening archaeological resource protection standards through required coordination and consultation with appropriate Native American representatives.
- Maximizing public access opportunities to and along the shoreline.

With the suggested modifications the proposed Land Use Plan amendment is consistent with, and adequate to carry out the provisions of the Coastal Act.

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## I. Staff Recommendation – Motions & Resolutions



Staff recommends that the Commission, after public hearing, certify the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

## A. Denial of Land Use Plan Amendment as Submitted

**Motion (1 of 2).** *I move that the Commission certify Land Use Plan Amendment SLO-MAJ-2-04 (Part 2) as submitted by the County of San Luis Obispo.*

**Staff Recommendation to Deny.** Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Deny.** The Commission hereby **denies** certification of the Land Use Plan Amendment SLO-MAJ-2-04 (Part 2) as submitted by the County of San Luis Obispo and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

## B. Approval of Land Use Plan Amendment if Modified

**Motion (2 of 2).** *I move that the Commission certify Land Use Plan Amendment SLO-MAJ-2-04 (Part 2) for the County of San Luis Obispo if it is modified as suggested in this staff report.*

**Staff Recommendation to Certify with Suggested Modifications.** Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

**Resolution to Certify with Suggested Modifications.** The Commission hereby certifies the Land Use Plan Amendment SLO-MAJ-2-04 (Part 2) for the County of San Luis Obispo if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.



## II. Suggested Modifications

The Commission suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If San Luis Obispo County accepts and agrees to each of the suggested modifications within six months of Commission action (i.e., by January 10, 2009), by formal action of the Board of Supervisors, the LCP amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

### A. SUGGESTED MODIFICATIONS TO LAND USE PLAN TEXT

#### CHAPTER 1 – INTRODUCTION AND GENERAL GOALS

1

**pg. 1-1. Purpose of the Estero Area Plan.** Modify:

“... In addition, where applicable, all public and private development in this planning area is to be consistent with this plan. I should be recognized, however, that this plan is ~~subject to higher legal~~ also subject to other authority; for example, federal and state statutes, case law, and regulations”

2

**pg. 1-8 Vision and General Goals.** Modify:

“The goals also function as ~~criteria~~ guidance to help determine consistency of development proposals with the LUE/LCP.

3

**pg. 1-9. Residential and Commercial Land Uses.** Add goal 10:

10. Protect and maintain maximum public access to and along the shoreline of Cayucos.

4

**pg. 1-10. Planning Policies.** Modify:

“The policies also function as ~~criteria~~ guidance to help determine consistency of development proposals with the LUE/LCP.

#### CHAPTER 2 – ECONOMY AND POPULATION

5

**pg. 2-5. Cayucos.** Modify Goal 9:

9. Provide additional parking, especially between B and E Streets, using a variety of means consistent with resource protection.





## CHAPTER 3 – PUBLIC FACILITIES, SERVICES, AND RESOURCES

6

**pg. 3-18. Sewage Disposal.** Modify 2:

### **2. Cayucos Sewage Disposal**

**Capacity of plant/current flow.** Sewage from Cayucos homes and nonresidential uses is collected in a conventional underground community system of laterals and sewer mains for transport to the City of Morro Bay sewage treatment plant. Current plant capacity is 2.06 million gallons per day (mgd, average dry-weather flow). Through a joint powers agreement between the city and the Cayucos Sanitary District, Cayucos is entitled to use 0.944 mgd, and 1.416 mgd is reserved for Morro Bay. For the year ending June 30, 2001, Cayucos used about 27 percent of its entitlement. Total combined flow for Cayucos and Morro Bay was about 98 percent of plant capacity. In 2006, average dry weather flows were about 1.209 mgd from Morro Bay and about .283 mgd from Cayucos, which means that the treatment plant was operating at roughly 70 percent of capacity.

**Projected flow at buildout.** If it is assumed that the amount of wastewater flow has a fairly constant relationship to water demand, future flow can be estimated using estimates of water demand. Using this methodology, Cayucos' average dry-weather wastewater flow at buildout would range from about 0.318 mgd (assuming 61.5% occupancy for existing development and 95% occupancy for new development) to about 0.401 mgd (assuming 80% and 95% occupancy for existing and new development, respectively). These flow estimates are well within the community's current entitlement to capacity of the Morro Bay treatment plant, so that no additions to the plant would be necessary to serve Cayucos' buildout population. However, expansion of the plant will be necessary to handle the increasing flow from the city of Morro Bay. Morro Bay's projected flows at buildout are approximately 1.42 mgd. Therefore, the treatment plant's 2.06 mgd capacity is sufficient to handle the combined projected flows from Cayucos and Morro Bay at buildout. However, at buildout, Morro Bay could be close to its entitlement to the treatment capacity that is provided for in a Joint Powers Agreement with the Cayucos Sanitary District (Cayucos would be well within its entitlement to the treatment plant capacity). An upgrade to the treatment plant is planned to be completed by 2015.

7

**pg. 3-40. Schools.** Modify:

1. Elementary School Site – Cayucos. Cayucos Elementary School District and the county, Coastal Commission, and other responsible agencies should cooperate in evaluating and selecting an appropriate site for a new elementary school located within or as close as possible to the existing urban reserve line. As required by the Coastal Plan Policies, an LCP amendment will be required to expand the USL to any alternative not currently within the USL, so that services may be extended.



## CHAPTER 4 – LAND USE POLICIES AND PROGRAMS

8

**pg. 4-2. Development Within Resource Capacities.** Modify B1:

1. Adequate public or private resource capacities shall be available to serve proposed development. Within urban areas, adequate water supply and sewage disposal capacities shall be available to serve both existing and potential development within the community before approval of new land divisions using those services. Land divisions requiring urban service extensions beyond the USL/URL shall be prohibited.

9

**pg. 4-5. Agriculture.** Modify agriculture polices B1 and B2:

1. Provide incentives for landowners to maintain land in productive agricultural use; require affirmative agricultural easements where appropriate.

2. Maintain existing Agriculture land use categories in order to protect agricultural resources; do not convert agricultural land to other land use categories or revise planning area standards so as to enable more intensive non-agricultural development; assure that residential development is necessary to or maintains Agricultural land uses to the maximum extent feasible.

10

**pg. 4-8. Estero Marine Terminal Property.** Delete portion of last paragraph:

~~“ ... However, in the event that an appropriate elementary school site is selected on this property in close proximity to the Cayucos urban reserve line, the urban reserve and services lines should be extended to include the school site, and the needed land use category change should be initiated.”~~

11

**pg. 4-12. Recreation.** Modify D1:

1. Promote development of recreational and visitor-serving uses, especially lower-cost opportunities, consistent with the protection of agriculture and sensitive resources.

12

**pg. 4-37. Seawalls.** Delete B2a:

~~**a. Beach Access.** The county should amend Chapter 23.05 of the Coastal Zone Land Use Ordinance to allow private beach access ways to be incorporated into seawalls where the access ways are as unobtrusive as possible and receive appropriate engineering and geologic review to ensure safety and prevent erosion. Standards should also require that private beach access ways be entirely on private property, be properly maintained by the property owner, and not impact sensitive habitat.~~

13

**pg. 4-38. Land Use, Cayucos and Vicinity.** Modify 5:



5. Specific Plan or Development Plan West of Cayucos Creek. The county should encourage owners of properties west of Cayucos Creek shown in Figure 4-5 to participate in preparation of a specific plan or Development Plan for that area. The specific plan or Development Plan should integrate land uses on the north side of North Ocean Avenue and provide for connections between those uses. It should ~~promote mixed-use development and multi-family housing~~, provide for recreation opportunities, and provide for convenient bicycle and pedestrian connections to the central business district, including improved access across Cayucos Creek.

14

**pg. 4-39. Downtown Enhancement.** Modify 6 Phase1d:

d. Creating angled parking spaces along North Ocean Avenue leading to B Street and along B Street to Ash Street consistent with wetland and other sensitive resource protection standards.

## CHAPTER 5 – CIRCULATION ELEMENT

15

**pg. 5-4. Cayucos and Rural Areas.** Add A 7:

7. Incorporate water quality design and treatment BMPs into roadway and other public right-of-way improvement projects.

16

**pg. 5-5. State Highway 1.** Amend Rural 1:

**1. State Highway 1.** There are limited opportunities for passing on the two-lane portion west of Cayucos. The portion of this highway within the planning area and outside of urban areas is required by statute to remain a two lane, scenic road. Recently, a left hand turn lane project at Harmony was approved to address Highway safety concerns on this stretch.

17

**pg. 5-6. Pedestrian and Bicycle Facilities.** Amend 7:

**7. Pedestrian and Bicycle Facilities.** Pedestrian and bicycle travel are discouraged by many factors, but the primary one is a lack of an adequate and convenient system of pedestrian and bicycle facilities that connect residential areas, schools and commercial areas. Class I bikeways should be developed, or Class II b~~B~~bikeways need to be located on streets with minimal traffic in order to encourage bicycle use by school-age children, commuters, shoppers, senior citizens, and others.

18

**pg. 5-8. State Highway One West of Cayucos.** Delete:

~~**State Highway 1 West of Cayucos.** One westbound and one eastbound passing lane should be installed. Each passing lane should be no greater than one mile in length, consistent with the statute that requires Highway 1 to remain a two-lane, scenic road in rural areas.~~



19

**pg. 5-9. South Bay Boulevard.** Modify:

- ~~Create a four lane road north of the urban reserve line. This will raise the level of service to an acceptable level. Consider road improvements that improve the level of service but avoid wetlands and other sensitive resources and do not otherwise induce growth inconsistent with the Area Plan.~~

20

**pg. 5-16. Highway 1 Passing Lanes.** Delete B1:

~~**1. Highway 1 Passing Lanes.** Caltrans should install one westbound and one eastbound passing lane on Highway 1 north and west of Cayucos. Each passing lane should be no greater than one mile in length, consistent with the intent of the Coastal Act that Highway 1 remain a scenic, two lane road in rural areas.~~

21

**pg. 5-20. Improvement of Publicly-Owned Sites.** Delete:

- ~~2886 Studio Drive. Do not develop access at this location.~~

22

**pg. 5-21. Coastal Access.** Add D8:

8. Public road abandonments that impact public access to the shoreline shall require a coastal development permit.

## **CHAPTER 6 – ENVIRONMENTAL AND CULTURAL RESOURCE POLICIES AND PROGRAMS**

23

**pg. 6-5. Bluff Erosion.** Modify B2:

2. Bluff Erosion (GSA). Bluff erosion poses a concern for siting new development along portions of the coastline. Development should generally be located to withstand ~~75~~ 100 years of bluff erosion without the need for a shoreline protection structure that would substantially alter the landform, affect public access, or impact sand movement.

24

**pg. 6-8. SRA's.** Add SRA designation to c and d:

**c. Baywood Peninsula (SRA).** This area is a narrow fringe of dune sands with planted Monterey cypress and pines trees rising above the bay and providing an exceptional close-hand view of the bay.

**d. Fairbanks Point Property (SRA).** Since 1948, an important nesting and resting site for herons has been located on this site near the marina adjacent to Morro Bay State Park.



25

**pg. 6-15. Areawide Water Quality.** Modify A4:

7. Minimize erosion, siltation and water pollution by promoting sound land management practices and minimizing the amount of impervious surfaces on public and private lands. ~~Use voluntary measures on private lands.~~

26

**pg. 6-15. Morro Bay Estuary and its Watershed.** Modify A2:

2. ~~Where feasible, implement~~ provisions of Total Maximum Daily Loads (TMDLs) as they are developed for Chorro Creek, Los Osos Creek and the Morro Bay estuary consistent with Regional Board requirements.

27

**pg. 6-15. Morro Bay Estuary and its Watershed.** Modify A4:

4. ~~Promote and emphasize measures to protect Morro Bay and its watershed that use primarily a voluntary, cooperative, educational, and incentive-based approach to protect Morro Bay and its watershed rather than a regulatory one.~~

**CHAPTER 7 – PLANNING AREA STANDARDS**

28

**pg. 7-1. Introduction.** Modify:

“Planning Area standards are mandatory requirements for development, and are intended to respond to concerns in particular areas or communities.”

“... Where planning area standards conflict with the CZLUO these standards control ~~take precedence.~~ Any density bonus shall meet the standards of the CZLUO and the Coastal Plan policies of the LCP.”

29

**pg. 7-2. Introduction.** Modify:

... Dedications and exactions will be pursued consistent with Section 30001.5 of the California Coastal Act considering the need to:

...

- (3) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (4) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

30

**pg. 7-4. Development Location.** Modify A.1.b.:

b. Development Location. Development in land divisions, lot-line adjustments, and other development projects shall be located away from identified sensitive features on or adjacent to the site, and in areas most suitable for development. Development on all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setbacks, buffers and fuel modification zones, as verified by the required biological report.

31

**pg. 7-5. Environmentally Sensitive Areas – Clustered Development and Habitat Protection Required. Modify 2.a.:**

a. Cluster or concentrate development on the least sensitive portions of the site in order to protect and sustain environmentally sensitive areas and the following sensitive features:

1. Sensitive Resource Areas and Environmentally Sensitive Habitats as ~~shown~~ defined in the Land Use Element and Local Coastal Plan.

32

**pg. 7-6. Environmentally Sensitive Areas – Clustered Development and Habitat Protection Required. Modify A.2.d.:**

d. ~~Where possible, design~~ Development on all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setbacks, buffers and fuel modification zones, as verified by the required biological report. Land divisions, lot-line adjustments, and development shall be designed so that fuelbreaks and vegetation or fuel modification areas that are needed to reduce fire hazards do not disrupt or cause adverse impacts to the sensitive features listed in preceding paragraph a. Fuelbreaks and vegetation or fuel modification areas shall be located on the development side of required setbacks from sensitive features, and shall be in addition to the required setbacks, as shown in Figure 7-1.

33

**pg. 7-6. Land Division and Development Design. Modify B.1.a and b.:**

- a. Development on all proposed building sites results in no adverse impacts to environmentally and other sensitive areas (including as defined in the preceding standard A2) and the required setbacks therefrom, including avoidance of the required setbacks, buffers and fuel modification zones, as verified by the required biological report.

34

**pg. 7-7. Development Location. Delete 2.a:**

~~**a. Multiple Sensitive Features.** Sites may contain several types of sensitive features that should be protected, such as sensitive habitat, prime agricultural soils, natural hazards, cultural resources, and scenic qualities. Where there is conflict between the objectives of protecting various identified sensitive features, locate and design development in a manner which on balance is the most protective of significant coastal resources~~



35

**pg. 7-7. Environmentally Sensitive Habitat: Site Disturbance.** Modify 2.b.1

(1) ...consistent with applicable legal requirements to allow a reasonable use of the site to avoid a takings of property.

36

**pg.7-8. Public Access.** Modify E1:

1. New development shall be required to provide Public access and improvements to and along the coast, and shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization ~~recognize and protect consistent with existing prescriptive rights.~~

37

**pg. 7-10. Light and Glare.** Modify H:**H. Light and Glare.**

At the time of application for any land division, land use permit or coastal development permit, ~~except in the Agriculture land use category,~~ the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, ~~a~~All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored

38

**pg. 7-10. Shoreline Development.** Add Areawide Standard I regarding shoreline development:

I. Shoreline Development. New development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff are subject to the following standards:

A. **Application Content:** In addition to the application requirements of the Coastal Zone Land Use Ordinance and other Estero Urban Area Plan Standards, applications for new development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff shall include the following:

1. An analysis of beach erosion, wave run-up, inundation and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering and a slope stability analysis, prepared by a licensed Certified Engineering Geologist and/or Geotechnical Engineer or Registered Civil Engineer with expertise in soils, in accordance with the procedures detailed by Appendix A1 of this Plan. The report shall include an alternatives analysis to avoid or minimize impacts to public access.

On lots with a legally established shoreline protective device, the analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supplies, and other coastal resources; and evaluate opportunities to modify or replace the existing armoring device in a manner that would eliminate or reduce these impacts. The analysis shall also evaluate whether the



development, as proposed or modified, could be safely established on the property for a one hundred year period without a shoreline protective device.

2. Measurements for the form, mass, scale, and roofing and yard features (such as fencing). To the maximum extent feasible, new development shall be compatible with the character of the surrounding neighborhood.
3. Surveyed location of all property lines and the mean high tide line by a licensed surveyor along with written evidence of full consent of any underlying land owner, including, but not limited to the County, State Parks, and State Lands. If application materials indicate that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission.
4. A preliminary drainage, erosion, and sedimentation plan which demonstrates that no stockpiling of dirt or construction materials will occur on the beach; erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; all construction debris will be removed from the beach daily and at the completion of development; and no machinery will be allowed in the intertidal zone. If there is no feasible way to keep machinery out of the intertidal zone, authorization from the Coastal Commission is required.

**B. Bluff Setbacks.** The bluff setback is to be determined by the engineering geology analysis required in A.1. above adequate to withstand bluff erosion and wave action for a period of 100 years. In no case shall bluff setbacks be less than 25 feet. Alteration or additions to existing non-conforming development that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 10, 2008, shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP. On parcels with legally established shoreline protective devices, the setback distance may account for the additional stability provided by the permitted seawall, based on its existing design, condition, and routine repair and maintenance that maintain the seawall's approved design life. Expansion and/or other alteration to the seawall shall not be factored into setback calculations.

**C. Seawall Prohibition.** Shoreline and bluff protection structures shall not be permitted to protect new development. All permits for development on blufftop or shoreline lots that do not have a legally established shoreline protection structure shall be conditioned to require that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 and the San Luis Obispo County certified LCP.





**D. Liability.** As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes these risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

39

**Pg. 7-15. Areawide Systems.** Modify A1:

**A1. Areawide Systems** - New development in land divisions, Minor Use Permits and Developments Plans shall be integrated into areawide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible or where known areawide rights-of-way are planned, unless such physical extensions would induce growth potentially inconsistent with the LCP.

40

**Pg. 7-16. Highway 1 –Cayucos Critical Viewshed.** Modify C:

C. The Highway 1 – Cayucos Critical Viewshed (see Figure 7-8) is established to protect views of this scenic coastal area ~~as seen from Highway 1, public beaches and the ocean.~~ All applicable standards in the Coastal Zone Land Use Ordinance apply within this area (e.g., those in Chapter 23.04). Development not exempt pursuant to CZLUO 23.04.210(a) shall be considered a conditional use.

41

**Pg. 7-16. Highway 1 and Los Osos Valley Road Scenic Corridor.** Modify D:

**D. Highway 1 and Los Osos Valley Road Scenic Corridor**

Highway 1 and Los Osos Valley Road in the rural portions of the Planning Area ~~is a~~ are Scenic Corridors. All applicable standards in the Coastal Zone Land Use Ordinance apply (e.g., those in Chapter 23.04).

42

**Pg. 7-22,23 Modify 3(a) and 3(b):**

3(a)

- (1) Landscape Requirements. All new development within the Los Osos urban reserve line that requires a land use permit or coastal development permit ~~and that results in a site disturbance of 500 square feet or more~~ shall comply with the following when landscaping. When a landscaping plan is required by the Coastal Zone Land Use Ordinance, the following requirements shall be incorporated into the plan.

3(b) . . .



**Los Osos Dune Sands Development Standards.** The following standards apply to new development within the areas designated "Los Osos Dune Sands SRA-TH" except where 1) ~~the total amount of site disturbance is less than 500 square feet, or 2)~~. . .

**43**

Pg. 7-25,26. Modify (b)(6)(i):

Limitation on Site Disturbance. Where it is not feasible to locate a building site without causing adverse impacts to Los Osos Dune Sands, its associated habitat of rare and endangered species, and the required setbacks therefrom, as verified by the required biological report, the maximum total, aggregate amount of site disturbance as necessary to avoid a takings of private property, shall be up to as follows:

~~(a) Sites Less Than or Equal to One Acre in Area: 10,000 square feet.~~

~~(b) Sites Greater Than One Acre in Area: 20,000 square feet.~~

**44**

**pg. 7-27. Agriculture.** Allowable Uses in Agriculture

Allowable uses are limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; nursery specialties soil dependent; coastal accessways; farm support quarters; home occupations; mobilehomes; residential accessory uses; single family dwellings consistent with the protection of agriculture; temporary dwelling; water wells and impoundments; pipelines and transmission lines; public utility facilities.

**45**

**pg. 7-34. Development Standards.** Modify C.2.a.:

**a. Geologic bluff setback.** As determined by a site stability evaluation prepared by a certified engineering geologist based upon an on-site evaluation, development shall be set back from the top edge of the bluff sufficiently to withstand bluff erosion and wave action for a period of ~~75~~ 100 years without the need for construction of shoreline protective structures ~~that would in the opinion of the Planning Director.~~ In any case, the minimum setback shall be 25 feet.

**46**

**pg. 7-34. Residential Suburban.** Modify:

**Minimum Parcel Size--Lots Adjoining Agricultural Area North of Tapidero Avenue**

Minimum parcel size for lots adjoining the Agriculture land use category north of Tapidero Avenue shall be 5 acres. New development shall assure protection of existing Agricultural areas, through means such as the use of agricultural buffers, right-to-farm restrictions, and agricultural easements as necessary.



47

**pg. 7-35. Condominium Hotels.** Modify C:

Hotels and motels that are condominiums or planned development projects may be permitted in accordance with Chapter 23.08 of the Coastal Zone Land Use Ordinance wherever hotels and motels are allowable uses. The conversion of existing hotel and motel units is prohibited.

48

**pg. 7-42. Table 7-1 bluff setbacks.** Modify bluff setback in Table 7-1 from ~~75~~ years to 100 years.

49

**pg. 7-45. Seawalls.** Modify A2:

~~a. Redevelopment. New seawalls that require substantial alteration to the natural landforms along bluffs and cliffs are not permitted in connection with alteration of existing development that equals or exceeds 75 percent of the replacement cost (as determined by the County Fee Ordinance) of the existing structure. Instead, the development shall be set back in accordance with the required blufftop setbacks in Chapter 23.04 of the Coastal Zone Land Use Ordinance.~~

b. Design and Appearance. New seawalls and seawall replacements shall be constructed using materials that minimize required maintenance and blend with the surrounding ~~built~~ and natural environment.

c. Location. New seawalls and seawall replacements shall be located entirely on private property, shall minimize beach area footprint, and shall not cause adverse impacts to sensitive habitat.

50

**pg. 7-46. Riparian setbacks.** Retain setback measurement text and modify footnote 1:

Riparian setbacks shall be measured from the upland edge of riparian vegetation or the top of stream bank where no riparian vegetation exists.

Footnote 1: Required setbacks ~~are measured from the top of stream bank~~, and may be adjusted per Chapter 7, Coastal Zone land Use Ordinance, except adjacent to Willow Creek, west of Highway 1 in Tract 1076.

51

**pg. 7-53. North of Veterans Building.** Modify:

D. North of the Veteran's Building. (This is a visitor-serving priority area)

5. Site Design Criteria - Public Access. Site design (for the Recreation zoned property located north of the Veteran's Building along Cayucos Creek) shall incorporate public access to and along the bluff top for a scenic vista. In addition, lateral beach access from the toe of the bluff to the mean high tide line, consistent with public safety and sensitive habitat concerns, shall be provided.

52



**pg. 7-58 Limitations on Use.** Delete “~~Residential Uses~~” as an allowable use in the REC category for 1.8 acre site; Delete Residential Density standard A.2.a and A.2.b. on pg. 7-59.

**53**

**pg. 7-65 and 7-66. North of Locarno Tract.** Delete development standards E. 1 through 9 for development North of Locarno Tract.

## **B. SUGGESTED MODIFICATIONS TO LAND USE CATEGORY AND COMBINING DESIGNATION MAPS**

**54**

### **Map M1**

- 1) AG to RL – Maintain AG
- 4) AG to RL – Maintain AG

**55**

### **Map M9**

- 4) REC to RMF - Maintain in REC
- 5) REC to RMF - Maintain in REC
- 6) REC to RMF & PF - Maintain in REC
- 7) REC to CR, RMF & OP – Maintain in REC
- 8) REC to CR – Maintain in REC

**56**

### **Map M11**

- 3) AG to RMF – Maintain in AG (see also Map M9 #3)

**57**

### **Map 12A**

- 10) REC to RSF – Maintain vacant parcel (of the two subject parcels) in REC

**58**

### **Map M13**

- 6) Maintain “V” combining designation west of pier.

## **C. OTHER SUGGESTED MODIFICATIONS**

**59**

**Appendix A1 – Slope Stability Analysis.** Add new Appendix Section A1 and attach to Plan:

Appendix A1: Slope Stability and Bluff Erosion Rate Determination Requirements.



Quantitative slope stability analyses and erosion rate estimates shall be undertaken as follows:

1. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.
2. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units are examined.
3. The effects of earthquakes on slope stability (seismic stability) may be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.20g, and should be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Conditions for Analyzing and Mitigating Landslide Hazards in California."
4. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references.
5. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.
6. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by reference to pertinent direct shear tests, triaxial shear test, or literature.
7. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.
8. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.



9. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to the ASCE/SCEC guidelines (see Section 9.4.D.3) when selecting shear strength parameters and the selection should be based on these guidelines. Generally, one of two conditions will exist:

- a. If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line, plus the distance that the bluff might reasonably be expected to erode over 100 years. These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise.
- b. If the bluff exhibits both a gross and surficial factor of safety against landsliding of greater than 1.5, then development shall be set back a minimum distance equal to the distance that the bluff might reasonably be expected to erode over 100 years. The determination of the distance that the bluff might be expected to erode over 100 years is to be made by a state licensed Certified Engineer Geologist, Registered Civil Engineer or Geotechnical Engineer, and shall be based on a site-specific evaluation of the long-term bluff retreat rate at the site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise.

For the purpose of this section, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge, as defined below, through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, 1994-1995 and 1997-1998.

**60**

#### **Internal Figure Changes.**

Modify Land Use designations on specific properties to reflect suggested modifications above. For example on Pg. 4-39 and 7-40., Figures 4-5 and 7-15. (e.g., 1.8 AC site next to Cayucos Creek RMF to AG; 10 AC property RMF to AG)

## **III. Findings and Declarations**

The Commission finds and declares as follows:



## A. Overview of LUP Amendment

### 1. Estero Area Plan Update

The purpose of the Estero Area Plan update is to establish a vision for the future of the Estero Planning Area that will guide development over the next 20 years. The San Luis Obispo County submittal is a comprehensive update of the goals, policies, programs, land use maps, combining designations, and development standards for the Cayucos urban area and the surrounding rural areas. The Plan leaves in place the existing Area Plan language applicable to the Los Osos urban area. Updated narrative descriptions and background data for the entire Estero Area is included to provide context.

### 2. Relationship to the San Luis Obispo County LCP

#### Operation of the LCP

The Estero Area Plan operates in conjunction with other components of the San Luis Obispo County Local Coastal Program (LCP). The County's LCP is composed of multiple parts: 1) Land Use Plan (LUP), which includes the Framework for Planning; the Coastal Plan Policies, and four Area Plans (one of which is the subject Estero Area Plan); 2) Implementation Plan (IP), which includes the Coastal Zone Land Use Ordinance (CZLUO); Title 8 for Water Wells; Title 19 for Building and Construction; and Title 21 for Real Property Division; and, 3) Post Certification Appeals Maps and Categorical Exclusions.

To determine the requirements for development on a particular site, each of the components of the LCP must be consulted. Coastal LUP Policies are standards and/or can be implemented through a specific CZLUO section referenced at the end of a LUP Policy. 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 Estero Area Plan Standards are the most specific of the LCP's regulations, governing land use in for communities and even specific parcels within the Estero Area Plan. Some standards apply areawide, while others are specific to individual sites or areas within a particular land use category designation. Because of this specificity, should an area plan standard conflict with a policy of a CZLUO section, the area plan standard controls.

In addition to the area plan development standards, an extremely important part of the Estero Area Plan is the combining designation map. The combining designations are areas where, for example, environmentally sensitive habitats (ESHA), visitor destinations, geological hazards, flood hazards, etc., have been identified and mapped. These designations indicate where special studies and/or development requirements apply, based on a 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. Language has been added in this submittal through suggested modifications to further clarify this point and updates to the combining designation maps are suggested to bring them up to date with existing resources and knowledge.



### 3. Procedure/Standard of Review for LCP Amendments

The relationship between the Coastal Act and the local government's Local coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to be implemented on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act. In this case, the proposed amendment affects the LUP component of the San Luis Obispo County certified LCP. Thus, the standard of review for the amendment is consistency with the Coastal Act.

## B. Coastal Act Consistency

This section evaluates the submitted LCP amendment in eight Coastal Act policy areas: 1) Development and Public Services; 2) Public Recreation and Visitor-serving Facilities; 3) Agriculture; 4) Environmentally Sensitive Habitat Areas (ESHA), including marine resources and water quality related issues; 5) Scenic Resources; 6) Hazards; 7) Archaeology; and, 8) Public Access. As discussed previously, the standard of review for evaluating Land Use Plan amendment submittals is consistency with Chapter Three of the Coastal Act.

### 1. Development and Public Services

#### A. Coastal Act Policies

The Coastal Act includes several policies that address the location, type, and intensity of new development to ensure the protection of coastal resources. To limit urban sprawl, the Coastal Act requires the establishment of stable urban-rural boundaries. New development must also be located within, contiguous to or in close proximity to existing developed areas with adequate public works facilities such as water supply, and wastewater treatment. Where such areas are not available, any approved development must be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. This includes the protection of groundwater basins and sensitive habitats that may be affected by water withdrawals, wastewater disposal, and polluted runoff.

The Coastal Act also provides that new or expanded public works facilities be sized to serve planned development and not induce additional, unplanned development. Where resources or services are limited, coastal dependent land uses, essential public services, basic industries, public and commercial recreation and visitor-serving land uses shall not be precluded by other development. The Coastal Act also encourages the protection of existing and the provision of new affordable housing opportunities in the coastal zone. Collectively, these requirements reflect a fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.





#### Development and Public Services Policies

General development siting and public service issues are mainly the purview of Coastal Act Sections 30250, 30252 and 30254.

Coastal Act Section 30250 states:

**Section 30250(a).** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Section 30250(b).** *Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

**Section 30250(c).** *Visitor-serving facilities that cannot be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Coastal Act Section 30252 states:

**Section 30252.** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and 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.*

Coastal Act Section 30254 states:

**Section 30254.** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of*



*the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

## B. Overview of Development

The Estero Planning Area occupies approximately 71.5 square miles of land extending from Point Estero to the north and Point Buchon to the south, and extends up to seven miles inland. Rural Estero includes all of the land not within the urban reserve lines of Cayucos, Los Osos or the City of Morro Bay. Approximately 75 percent of the land in the Estero planning area is zoned for agricultural uses.

Cayucos and Los Osos are the two urban areas subject to Estero planning area standards. As discussed previously, however, the urban area of Los Osos was bifurcated from this submittal and the urban area development standards for Los Osos are not proposed to be changed. Highway One is the primary north-south access route within the area plan. Within the urban boundary of Cayucos and Los Osos, approximately 86 and 71 percent of the acreage, respectively, are within residential land use category. These two communities also include all of the commercial land use categories in the planning area. Within the commercial and office land use categories, nearly 60 percent of the area consists of Commercial Retail, 17 percent Commercial Service, and 23 percent Office and Professional.

Cayucos is located in the northwest portion of the planning area. Cayucos covers 339 net acres, which is less than 1 percent of the Estero planning area. Under the proposed plan, the amount of agricultural land within the urban services/urban reserve line (USL/URL) would decrease by approximately 10 acres on a property proposed to be changed from Agriculture (AG) to Residential Multi-Family (RMF) (see Agriculture findings for more detail on this proposed land use designation change). Another significant land use change within the USL/URL is on approximately 1.8 acres of land on the west side and adjacent to Cayucos Creek, which is proposed to be changed from Commercial Retail (CR) to Recreation (REC) (see Public Recreation and Visitor-Serving Facilities findings for more detail). Surrounding land areas outside of the USL/URL are primarily devoted to grazing and other agriculture. Potential development constraints such as water supply, sewage capacity, school capacity, and Highway One road capacity have been identified in the plan.

## C. Issues and Analysis

### 1. Cayucos Water Supply

Water supply in the Estero Planning Area consists of surface and subsurface flow from streams, the groundwater associated with those streams, and Whale Rock Reservoir. For Cayucos, total estimated water supplies available include about 600 afy from Whale Rock Reservoir. Supplemental water from the Lake Nacimiento project is expected to increase the total supplies by approximately 160 additional acre feet per year. According to the County, the Lake Nacimiento project is currently under construction and supplemental water will likely be secured for Cayucos in the near future. Over the last 10 years, total water production in the community has been fairly constant at 400 acre feet per year. Water conservation programs have kept Cayucos within its past water allocation and additional water conservation measures are contemplated which may help to further reduce water demand in Cayucos. With supplemental water from the Lake Nacimiento project, coupled with density reductions in the



RMF zone and aggressive retrofitting, supplies appear to be sufficient to accommodate potential future planned development.

## 2. Cayucos Wastewater Treatment

Sewage from Cayucos homes and nonresidential uses is collected in a conventional underground community system of laterals and sewer mains for transport to the City of Morro Bay sewage treatment plant. According to the County, current plant capacity is 2.06 million gallons per day (mgd, average dry-weather flow). In 2006, average dry weather flows were about 1.209 mgd from Morro Bay and about .283 mgd from Cayucos, which means that the treatment plant was operating at roughly 70 percent of capacity. According to the County, Cayucos' average dry-weather wastewater flow at buildout would range from about 0.318 mgd (assuming 61.5% occupancy for existing development and 95% occupancy for new development) to about 0.401 mgd (assuming 80% and 95% occupancy for existing and new development, respectively). Morro Bay's projected flows at buildout are approximately 1.42 mgd. Using these calculations, it appears that the treatment plant's 2.06 mgd capacity is sufficient to handle the combined projected flows from Cayucos and Morro Bay at buildout. However, at buildout, Morro Bay could be close to its entitlement to the treatment capacity that is provided for in a Joint Powers Agreement with the Cayucos Sanitary District (Cayucos would be well within its entitlement to the treatment plant capacity). According to the County, an upgrade to the treatment plant is planned to be completed by 2015.

As described above, wastewater capacity exists for new development in the Estero area. The only suggested modification regarding wastewater treatment involves a text clarification necessary to update the plan with current information regarding wastewater treatment (see Modification 6).

## 3. Roads and Circulation

The County submittal includes numerous references to providing passing lanes on Highway One west of Cayucos. The Circulation chapter of the plan provides non-mandatory recommendations for improvements to Highway One and states, "one westbound and one eastbound passing lane should be installed." Coastal Act Section 30254 requires that Highway One be maintained as scenic two-way road in rural areas. The proposed amendment, however, clearly provides for the expansion of Highway one from a two lane road to a four lane road in certain areas. Most recently, a left hand turn lane was installed at Harmony, west of Cayucos, to alleviate operational safety concerns. In order to allow road improvements to Highway consistent with the Coastal Act, suggested modifications are added recognizing that Highway One must be kept a two-lane, scenic road. Other modifications strike references to the installation of passing lanes west of Cayucos (Modifications 16, 18, and 20).

The area plan also contemplates the widening of South Bay Boulevard to four lanes to improve the operating level of service. Concerns are raised that widening of South Bay boulevard will impact adjacent sensitive resources and take away from rural scenic character of this traveling corridor. In order to be consistent with the Coastal Act, considerations must be made to avoiding wetland and other sensitive resources, and to not otherwise induce growth inconsistent with the area plan (Modification 19).



Additional parking standards in downtown Cayucos, particularly on B Street, also raise issues regarding parking expansions consistent with resource protection. Wetlands have been identified in close proximity to the B Street right-of-way and any future improvements to this unimproved paper street must avoid sensitive resources (Modifications 5 and 14).

#### 4. Stable Urban Rural Boundary

The LUP amendment includes a number of references to a potential future elementary school site to be located within or near the urban area of Cayucos. According to the plan, there is a need for a school site of 10 to 20 acres to support increasing enrollment, but finding a suitable site in such an area of Cayucos appears challenging. The Estero Marine Terminal property located between Cayucos and Morro Bay is highlighted in the plan as a potential site for the school. Most problematic is that the new policies contained in the area plan suggest the extension of urban services to the site as potential option.

The LUP includes language regarding the urban rural boundary in Coastal Plan Policies (8-11):

*The USL is the Urban-Rural boundary and reflects the capital improvement program (CIP) and community plans for scheduling extensions to public services and utilities needed for urban development. As improvements are scheduled and constructed, the USL may be expanded by amendment of the Land Use Plan. Areas of communities located between the urban service and urban reserve lines are sometimes designated on the LUE maps for urban uses, at Residential Single-Family densities or greater. In such areas the land use categories are "holding zones" where development of designated uses would be appropriate when urban services and facilities can be provided and the USL is amended to include these areas. The area plans contain standards identifying appropriate interim uses where particular uses could not be compatibly established in advance of full urban services. Expansion of the USL requires amendment of the Land Use Element. Service extension outside the USL must be accompanied by an LCP amendment to expand the USL.*

In order to be consistent with the Coastal Act, modifications are needed to ensure the concentration of urban development and resource protection in the future siting of the elementary school (Modifications 10). To ensure the new standard is internally consistent and can carry out the LCP without conflict, modifications are included that require an LCP amendment to expand the USL so that services may be extended (Modification 7). Suggested modifications are also included to ensure that new land divisions do not create the need for service extensions beyond the USL/URL (Modification 8). Additionally, modifications are suggested to ensure that the physical extension of areawide systems, such as utility easements and right-of-ways, do not induce growth inconsistent with the Coastal Act and LCP (Modification 39).

#### C. Development and Public Services Conclusion

There are several modifications necessary for the Commission to be able to find the proposed LUP amendment consistent with the development and public service policies of the Coastal Act. Suggested modifications ensure that Highway One remains a two lane, scenic road, and a stable urban/rural boundary is maintained around Cayucos. Overall, the suggested modifications ensure protection of



coastal resources by limiting new development to existing developed areas able to accommodate it. In conclusion, the Commission finds the LUP amendment, if modified as described above, is consistent with the development and public service provisions of the Coastal Act.

## 2. Public Recreation and Visitor-Serving Facilities

### A. Coastal Act 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 gives preference for developments that provide public recreational opportunities, and states in relevant part:

***Section 30213.*** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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. In addition, section 30221 requires the protection of oceanfront land suitable for visitor-serving uses, but only if demand for such visitor-serving uses is not being met elsewhere. Sections 30221 and 30222 state:

***Section 30221.*** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public commercial recreational activities that could be accommodate on the property is already adequately provided for in the area.

***Section 30222.*** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

### B. Issues and Analysis

#### 1. Lower cost visitor serving facilities

Coastal Act Section 30213 requires that lower cost visitor serving and recreational facilities be protected, encouraged, and, where feasible provided. The amendment includes a new areawide recreation policy (4-12) aimed at promoting the development of such facilities in the Estero area. As currently stated in the submittal, there is no recognition that lower-cost facilities be encouraged and provided. It is possible that new developments could preclude visitors from enjoying the benefits of lower cost visitor-serving facilities. In order for the policy to be consistent with section 30213, a minor modification is included that recognizes the need for such facilities in the policy statement (Modification



11).

## 2. Condo-hotels

The County proposes to allow condominium-hotels with the Estero Area Plan if such developments are consistent with the existing CZLUO standards for condo-hotels. These standards include length of stay limitations and a required finding that new condo-hotels will not reduce the availability of accommodations for overnight or transient occupancy by the general public, tourists, and visitors compared to a conventional hotel or motel. New condo-hotel development in the Estero Area may be appropriate in certain areas and conditions. However, in order to assure the protection of existing visitor-serving opportunities, additional clarification is needed to assure that existing stock of overnight accommodations available to the general public are not converted to quasi-residential uses (see Modification 49).

## 3. Miscellaneous Recreational Land Use Changes

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

### Land Use Category Changes along Little Cayucos Creek - Map M12

Five properties are proposed to be changed from Recreation (REC) to correspond to the existing, adjacent land use categories of the lots that abut the creek (RMF, CR, O/P, and PF). It is believed that these sites were originally zoned for recreation in anticipation of a possible access trail that could be developed adjacent to the creek and provide a corridor from inland residential areas to the beach. Given past development patterns in this area it appears that this idea is no longer likely. A review of aerial photos and a recent site visit to the area show that the creek has an established riparian corridor. Recent biological studies have confirmed the biological value of this riparian corridor. The proposed change is problematic in a land use planning sense in that the underlying physical characteristics of the property would not match the category prescribed. These lots are mostly vegetated with riparian vegetation, and some of them encompass the active creek channel and side banks. The most appropriate land use category for these properties is open space. It should be noted, however, that existing area plan standards require buffers to be placed over all or a large portion of these properties with new development projects. Therefore, irrespective of the underlying land use designation, the creek and riparian resource is afforded adequate protection under the existing LCP. To better match on the ground conditions at these sites, and to retain the possibility of a future recreational uses along this riparian corridor, modifications are suggested to map M9 to retain the REC zoning (Modification 56).

### 1.8 acre site adjacent to Cayucos Creek (CR to REC) – Map M10 #10

Non-recreational land uses such as “residential uses” should be deleted as an allowable uses for this site. Given the resource constraints at this site, particularly bluff setbacks and flood hazards, the allowance of residential uses is not consistent with the Coastal Act. There is ample area available within the urban area of Cayucos to support additional residential uses, and suitable oceanfront land such as this should be protected for recreational use under the Coastal Act. While the change from CR to REC can be found



consistent with the Coastal Act, modifications are needed to bring the allowable uses and applicable development standards into conformance. As such, modifications delete the allowance for residential uses, reapply the visitor serving (V) priority overlay on the site, and reinstate site design criteria that provide for public recreational opportunities on the bluff top and shoreline at this location (Modifications 51, 52, and 59)

#### Sites adjacent to State Park Parking Lot (REC to RSF) – Map M12A

These ocean fronting sites consists of two abutting parcels located adjacent to the State Park parking lot at the end of 23<sup>rd</sup> Street in Cayucos. One of the parcels is already developed with a single-family residence, and can be changed to reflect its current residential use. The second downcoast parcel is currently undeveloped and could possibly provide for recreational type uses. Changing the land use category of the undeveloped ocean fronting parcel is inconsistent with the Coastal Act. Suggested modifications maintain the REC land use category for the undeveloped parcel (Modification 58).

#### D. Conclusion

Several modifications are necessary for the Commission to be able to find the proposed LUP amendment consistent with the lower-cost visitor serving and recreational facilities policies of the Coastal Act. Suggested modifications encourage lower cost visitor serving opportunities with new recreation oriented projects, address condo-hotel development in Cayucos, and ensures that the 1.8 acre ocean front site adjacent to Cayucos Creek retains its visitor serving priority overly. Additional modifications reinstate design criteria for the sight and eliminate the allowance of residential uses in favor of visitor serving recreational facilities. With these modifications, the Commission finds the LUP amendment is consistent with the lower cost visitor serving and recreational facilities provisions of the Coastal Act.

### 3. Agriculture

#### A. Coastal Act Policies

The Coastal Act requires that that the maximum amount of agricultural land be maintained in agricultural production and that conflicts between urban and agricultural land uses be minimized. The long-term viability of soils must also be protected and conversions of agricultural land to other uses are strictly limited.

#### **Section 30241 Prime agricultural land; maintenance in agricultural production**

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas, agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*



*(b) By 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.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By 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.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

**Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation**

*(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

*(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*

*(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

**Section 30242 Lands suitable for agricultural use; conversion**





*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*

## B. Overview of Agriculture

Except for the urbanized areas of Cayucos and Los Osos, the Estero planning area is dominated by agricultural land uses. According to the EIR for the update, about 31,415 acres (74%) of lands in the planning area are designated for agriculture. Crops and agricultural practices vary in the coastal valleys, while livestock grazing is the dominant practice in the hills and mountains.

## C. Issues and Analysis

### 1. Agricultural Land Use Changes

Under the proposed area plan, lands designated for agricultural uses would decrease from 31,729 acres to 31,415 acres, a reduction of about 314 acres. The following table summarizes the proposed changes:

Sub-Area	Change from Agriculture to Non-Agriculture	Changes from Non-Agriculture to Agriculture/Open Space	Net Change in Agriculture Acres
Rural	48 acres to RL  276 acres to OS (Estero Bluffs Property)	20 acres from Public Facilities to AG	(304)
Cayucos	10 acres to RMF	--	(10)
<b>TOTAL</b>	<b>(334)</b>	<b>20</b>	<b>(314)</b>

As shown in the table above, the most substantial loss in agricultural zoned property is a result of roughly 276 acres of land acquired by State Parks (Estero Bluffs Park) for open space/public recreational purposes. More problematic are the approximately 48 acres proposed for reclassification to Rural Lands in two locations in rural Estero (26 acres along Highway 41 near the planning area boundary, and 22 acres at the terminus of Clark Valley Road near the southern planning area boundary of Los Osos). Most significant is a 10-acre property proposed for redesignation as RMF at the western end of Cayucos. Each of these land use changes is discussed in more detail below, including a discussion of their consistency with the Coastal Act section 30242.

### 26 acres along Highway 41 - Map M1 and M5

Changing the Land Use designation on this site is inconsistent with the Coastal Act. According to the applicant's representative, the purpose of this land use designation change is to set up a future subdivision for estate planning purposes. A detailed agricultural viability report has not been provided



by the County. While not prime agricultural soils, the EIR describes this land as moderately suitable for grazing operations. Cumulative impacts are also a concern as this plan would establish a baseline for additional residential uses on a site with some history of agriculture.

#### 22 acres at Clark Valley Road – Map M1 and M2

The LUP proposes to change the land use designation of an undeveloped 22-acre site at the terminus of Clark Valley road. Topography is steep and hillsides are heavily vegetated. While the County makes a strong case that agricultural production potential on the site is poor, this alone does not allow for conversion to non-agricultural uses under the Coastal Act. Concerns are raised over the cumulative impacts of conversion of agricultural lands. Changing the land use category to Rural Lands will establish a potential for increased residential development potentially in conflict with adjacent agricultural uses. Agricultural lands can also help maintain a rural open space character of an area. Impacts of non-agricultural development on views and landform alteration may also be exacerbated by a zoning change that effectively doubles the residential density on the parcel.

#### 10 acres at west end of Cayucos – Map M9 and M11

The County proposes to change the zoning on a 10 acre site on the western end of Cayucos from AG to MFR. This site has been in grazed in the past, as part of a larger ranch extending inland, and previously had a agricultural conservation agreement on it. Although the site is within the urban services line, the site is not currently served, and the effective urban development line has been immediately adjacent to the existing mobile home site. When the Commission certified the LCP, the site was left in Agricultural zoning, and the possibility of changing the zoning to a urban was held out to some future LCP amendment. The site is also largely steep slopes, and visually prominent. Given the Coastal Act 30250 requirement to concentrate development within existing developed areas, which this is not, and the fact there is considerable multi-family residential development potential within the urban area currently, conversion of this site from AG to MFR is not appropriate at this time.

#### 2. Non-Agricultural Residential Development

Non agricultural uses on agricultural lands can affect the long term viability of agriculture. Buildout of agricultural lands with non-agricultural uses, such as for purposes of residential uses described previously, can incrementally contribute to the loss of agricultural soils and increase the amount interface between ag and non-ag uses. Modifications are suggested to assure that residential development is necessary to or maintains agricultural land uses to the maximum extent feasible, avoids conflicts with adjacent agricultural operations, and requires the use of affirmative agricultural easements where appropriate (Modifications 9, 37, and 44). Specific to the Residential Suburban (RS) lots adjoining agricultural areas north of Tapidero Avenue in Los Osos, new development must assure protection of existing agricultural areas through means such as the use of buffers, right-to-farm-restrictions, and agricultural easements as necessary (Modification 46).

#### D. Agriculture Conclusion

As modified, the Estero Area Plan amendment is consistent with the Agriculture policies of the Coastal



Act.

## 4. Environmentally Sensitive Habitat Areas

### A. Coastal Act Policies

One of the primary objectives of the Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Coastal Act Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resource. It also requires that development adjacent to ESHA be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat.

Section 30230 applies to marine habitats, and call for the maintenance, enhancement and restoration where feasible of marine resources, with special emphasis on areas and species of special biological or economic significance. Pursuant to this section, all uses of the marine environment must sustain the biological productivity of coastal waters, and maintain healthy populations of all marine organisms.

Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

As described previously in the New Development and Public Services section of this report, Coastal Act Section 30250a directs new residential, commercial, or industrial development to existing developed areas. Where developed areas cannot accommodate new development, it is to be located in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30107.5 of the Coastal Act defines environmentally sensitive areas as follows:

**30107.5:** *"Environmentally sensitive area" means 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.*

Coastal Act Section 30240 states:

**Section 30240(a).** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

**Section 30240(b).** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would*



*significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Sections 30230 and 30231 provide:

***Section 30230.*** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

## B. Overview of ESHA

The Estero area contains a variety of environmentally sensitive habitats that host numerous rare and endangered native plants and animals. Several sensitive habitats and plant and animal species are known to occur in the Estero Planning Area. Sensitive habitats include the riparian woodland and riparian scrub, freshwater marsh and coastal salt marsh, dune scrub and coastal sage scrub, chaparral and oak woodland. Pages 6-2 through 6-11 of the proposed LUP amendment identify and describe in more detail the habitat types and areas designated as Sensitive Resource Areas (SRA's) in the Estero area.

## C. Issues and Analysis

### 1. Identifying ESHA

Identifying the presence of ESHA within or adjacent to a proposed development is a critical step in the development review process. The LCP uses a map-based system to identify areas where new development needs to be reviewed for conformance with provisions protecting ESHA. The problem with this approach is that where the maps are outdated or inaccurate, ESHA on a development site may not be identified. As a result the, the development may be designed and approved in a way that does not protect the habitat consistent with the Coastal Act.

The LUP amendment proposal includes a number of map changes aimed at improving ESHA identification in Estero. Expanded habitat mapping occurs a number of times in the submittal. Largely by expanding the SRA & TH Combining Designations in rural areas. These changes are important additions to the LUP mapping. Beyond improving the early identification of ESHA, the County has made several efforts to improve the protection of sensitive resources in Estero. These efforts include a



number of new programs and changes to development standards of the LUP.

Expanding the Combining Designation map boundaries will help improve ESHA identification, but getting current and accurate information regarding the type and extent of habitats that may exist on a site is equally as important. Utilizing the best available information early in the development review stage will help address the shortfalls of the current map based identification system. Suggested modifications build on proposed standards by adding additional language to improve habitat information gathering at the permit application stage and establishes some more definitive criteria to be used for identifying and delineating the extent of ESHA on a project site.

## 2. ESHA Protection

Beyond improving the early identification of ESHA, the County has made several efforts to improve the protection of sensitive resources in Estero through clustering new development. These efforts include a number of new programs and changes to development standards of the LUP. Minor modifications are suggested to ensure that development is concentrated on the least sensitive portions of the site and that both mapped and unmapped ESHA is identified and protected through clustering new development (Modifications 30 and 31). Also significant is a new resource protection standard dealing with vegetation and fuel modification zones (pg. 7-6). This new standard is modified to clarify that all proposed building sites protect ESHA and other sensitive sites through improved site design, including avoidance of required setbacks, buffers and fuel modification zones. (Modification 32 and 33)

## 3. Marine Water Quality

Discharges from many sources can harm the marine environment. A primary concern is the cumulative effect of many smaller impacts to the marine environment. Many small impacts can add up to significant impacts over time. Such impacts would include both water quality impacts from ongoing inflows as well as direct impacts from human activities within the marine environment. Examples include polluted runoff and wastewater discharges to name a few.

The proposed LUP amendment contains new standards focused on protecting areawide water quality and the sensitivity of the marine habitat of the Morro Bay Estuary and its watershed. The proposed LUP amendment is inconsistent with the Coastal Act's marine resource protection policies due to potential impacts caused by projects with point-source discharges. The problem with the proposed standards are that they emphasize voluntary measures on private lands rather than regulatory ones. Suggested modifications are required to bring the water quality standards into conformance with the Coastal Act (see Modifications 25, 26, and 27).

## 4. Other Issues

### Conflict Resolution

The County proposes a standard that appears to incorporate a conflict resolution provision similar to Coastal Act section 30007.5 into the Area Plan. However, the ability to balance resource objectives under the Coastal Act is limited to conflicts between the Chapter 3 policies of the Coastal Act and cannot be delegated to local governments through an LCP. Therefore this provision must be deleted (see



Modification 34).

#### D. ESHA Conclusion

The proposed LUP amendment makes substantial improvements towards the identification and protection of ESHA. However, in order to achieve consistency with the Coastal Act, modifications are required. Known ESHA must be appropriately mapped in the LUP and mandatory site reviews must be required for projects that have the potential to impact ESHA. A provision that requires avoidance of resource impacts to be pursued in new development before mitigation measures are implemented. . As an additional means of achieving compliance with the Coastal Act, the suggested modifications require that water quality standards be amended to protect marine water quality and the biological continuance of the resource. Only with these modifications, can the LUP amendment be found consistent with Coastal Act Sections 30230, 30231, and 30240.

### 5. Scenic Resources

#### A. Applicable 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 landforms, to be visually compatible with the character of the surrounding area, 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 the setting. In addition to the landform alteration reference in Section 30251, Coastal Act Section 30253 also directs new development to avoid alteration of the natural landform.

The Coastal Act states:

***Section 30001(b).** The Legislature hereby finds and declares that the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.*

Coastal Act Section 30251 states:

***Section 30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to 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 such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Coastal Act Section 30253 states, in applicable part:



**Section 30253(2).** *New development shall assure stability and structural integrity, and neither create nor contribute significantly 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.*

Coastal Act Section 30253(5) protects community character. Section 30253(5) states:

**Section 30253(5).** *New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

## B. Overview of Scenic Resources

The Estero area is a popular destination for residents and visitors alike, in part due to its scenic beauty. Different areas of the planning area contain varied scenery and vegetation reflecting the geography and climate of the region. Livestock dot the grass covered rolling hills around Cayucos, intermixed with orchards in the valleys and open space areas on the coastal terraces. The Morros and the Irish Hills in the southern portion of the planning area establish a scenic backdrop with volcanic hills and peaks visible from major roads, parks, beaches, and the ocean.

New Critical Viewshed and Scenic Corridor overlays are added through the LUP amendment that includes: the Highway 1- Cayucos Critical Viewshed; the Irish Hills Scenic Backdrop, and the Los Osos Valley Road Scenic Corridor. These new designations are not identified as SRA's under the LUP amendment

## C. Issues and Analysis

### 1. Protection of Scenic Viewsheds

As described above, there are many significant scenic viewsheds and landscapes to be protected in and around the Estero Bay. The Coastal Act goal of siting and designing structures to minimize visual impacts can often conflict with an applicant's objective to maximize ocean views. It may also be difficult to site some structures out of the public viewshed, particularly on smaller, sometimes non-conforming parcels that may have little opportunity for screening behind existing natural landforms. Increased rural residential development has raised awareness about impacts to public views, particularly as recreation and public access have increased. Acquisitions of public land, such as the Estero Bluffs Park, have created new opportunities for public recreation and the need to protect views that have not always been available.

#### Cayucos Viewshed

The County has proposed new critical viewshed protection for the bluffs and scenic rural hillsides west of Cayucos. Both of these areas would be mapped and protected pursuant to new viewshed standards proposed for the CZLUO. Both of these designations are significant additions to the Estero Area Plan. The County also proposes to make the critical viewshed along the bluffs a sensitive resource area (SRA), but the viewshed inland of Highway One would not be an SRA. Designation as an SRA allows



for development within the SRA to be subject to the Commission's appeal jurisdiction. The County has rightly proposed heightened protection for these significant viewsheds. In addition, in its Adopted Periodic Review for SLO County, the Commission has identified the protection of rural agricultural scenic viewsheds as a high priority for updating the LCP. This is particularly true given recent trends toward new non-agricultural residential development in rural agricultural areas, which has placed previously rural scenic areas at higher risk for viewshed degradation. At the same time, it is important to protect the Agricultural land uses and development within these areas. Therefore, rather than designating the entire critical viewshed inland of Highway One as an SRA, it would be more appropriate to limit the potential appealability of new development within this sensitive area to only those developments that are not exempt from the proposed scenic protection standards in the CZLUO, by designating such developments as a conditional use. That is, developments that are not accessory to agriculture or that cannot be sited out of the major public view corridors identified by the County in the ordinance would be potentially appealable to the Commission. This level of protection is appropriate given the significance of the scenic resources proposed for incorporation into the LCP (see Modification 40). Without this heightened protection, the proposed viewshed protection will not protect scenic resources consistent with Coastal Act 30251, which requires that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize landform alteration, and to be visually compatible with the character of surrounding areas." Suggested modification 41 recognizes the new overlay for portions of Los Osos Valley Road as a Scenic Corridor.

#### D. Scenic Resources Conclusion

Scenic resources are not adequately protected under the submitted Plan. As proposed, the scenic and visual qualities west of Cayucos are not protected and new development has the potential to be sited and designed to impact major public views. With modifications the LUP is consistent with Coastal Act Section 30251 and 30253 protecting scenic coastal resources.

## 6. Coastal Hazards

#### A. Coastal Act Policies

The Coastal Act requires that new development be sited and designed to minimize risk to life and property specifically in areas of high geologic, flood and fire hazard. Under the Coastal Act, development is required to be sited and designed to assure stability and structural integrity and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and where designed to eliminate or mitigate impacts on shoreline sand supply. Further the Coastal Act provides that development damaged or destroyed by natural disasters can be rebuilt in the same area, exempt from coastal permits, provided that they are not expanded by more than 10% and conform to existing zoning requirements. Certain emergency actions are also exempt from





permit review.

Coastal Act Section 30253 addresses the need to ensure long-term stability and structural integrity, minimize risk, and avoid landform-altering devices. Section 30253 provides, in applicable part:

***Section 30253. New development shall:***

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly 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.*

Coastal Act Section 30235 addresses certain hazard response development (such as shoreline protective devices). Section 30235 states:

***Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.***

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.

Coastal Act Section 30236 states:

***Section 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.***

## B Issues and Analysis

### 1. Bluff Erosion and Setback Distances and Shoreline Protective Devices

In Cayucos, a large percentage of blufftop residential parcels have some form of bluff protection, typically a seawall or rock revetment. In addition, rock revetments are currently in place to protect public parks and recreation areas along the beach. In contrast, the Estero bluffs and parts of west



Cayucos are free of shoreline protection.

Establishing adequate setbacks is the principal mechanism in the LCP to attempt to avoid or minimize the need for future shoreline armoring. As the Commission found in the 2001 Periodic Review, current setback distances, which are based on a 75 year economic life of a structure and a 25 foot minimum, do not take into account the episodic nature of erosion and fall short of Coastal Act requirements to site development so as not to need a shoreline protective device for the life of the structure.

#### Conformance with Coastal Act Policies

The proposed hazard standards in the LUP amendment are not consistent with the Coastal Act. As proposed, setback distances relying primarily upon historic erosion information have not resulted in the siting of new development to avoid future shoreline armoring. Ongoing gradual erosion as well as greater erosion during high storm events would argue for setbacks greater than the 25 feet currently established in the LCP. In order to assure stability and structural integrity consistent with the Coastal Act Section 30253, the standards in the Estero Area Plan need to be modified. Consistent with previous findings made by the Commission, suggested modifications require that setbacks be based on a projected 100-year economic life of a structure rather than 75 years. The modification adds the requirement for a quantitative slope stability analysis using a safety factor of 1.5 either as a multiplier or as a set distance, whichever is greater. In no case is the setback to be less than 25 feet (Modification 23, 45 and 48).

The primary issue for Cayucos is the redevelopment of blufftop properties. As described, there are not vacant parcels on the blufftop here. The development trend in recent years has been to significantly expand or remodel older homes, even though some of these residences are currently non-conforming in terms of their blufftop setback. Many of the shoreline protection devices located on the bluffs were not developed with the benefit of a coastal development permit and encroach onto public land.

To address the potential for seawall development with substantial redevelopment of existing structures on blufftop lots, suggested modifications require that new applications for projects located on the bluffs or shoreline meet detailed application requirements. Further modifications require that substantial remodels of 50 percent or greater in size must be brought entirely into conformance with the minimum bluff setback requirements. A requisite deed restriction against the property will ensure that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct a such devices that may exist pursuant to Section 30235. The modifications also require a waiver of liability (Modifications 38)

#### C. Hazards Conclusion

With the recommended modifications to address bluff setbacks, shoreline erosion, and shoreline the Commission finds that the LUP amendment is consistent with Coastal Act Sections 30253 and 30235.

## 7. Public Access and Recreation



The Coastal Act requires that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners' rights and natural resource areas from overuse. The Coastal Act further requires that development not interfere with the public's right of access to the sea. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. With regard to LCP requirements, the Coastal Act provides that each LCP shall contain a specific public access component.

#### A. Coastal Act Policies

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

***Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211.** Development shall not interfere with the public's right of access to the sea where 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.*

***Section 30212(a).** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

***Section 30212.5.** Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

***Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

***Section 30214(a).** The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the*



*following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

**Section 30220.** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30222.5.** *Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

**Section 30223.** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

## B. Issues and Analysis

### Planning for Maximum Public Access

The LUP amendment provides an entirely new Coastal Access Chapter (Chapter 8) specific to Estero. Chapter 8 includes a variety of public access goals, an overview of existing Coastal Act and LCP policies, programs, designations, and a background discussion on a variety of access issues. Figures are also included that show significant coastal accessways.

### Conformance with Coastal Act Policies

Coastal Act Sections 30210-30214 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, while balancing other public, private, and ecological concerns. Shoreline access in the Cayucos area is



generally good. However, to maximize public access opportunities consistent with the Coastal Act, a few modifications are required. These include programs for bicycle and pedestrian facilities (Modification 17) Modifications are also made to require public road abandonments that impact public access to the shoreline shall require a coastal development permit (Modification 22). With these modifications, maximum access planning in the Estero Area will be accomplished consistent with the Coastal Act.

### C. Public Access and Recreation Conclusion

Overall, the LUP amendment describes substantial public access and recreation opportunities and is generally improved. Nevertheless, there a number of minor LUP modifications that are necessary for the Commission to be able to find the amendment consistent with the access and recreation policies cited above. If modified as suggested, then the LUP can be found consistent with the public access and recreation provisions of the Coastal Act.

### C. California Environmental Quality Act (CEQA)

The Coastal Commission's review process for Local Coastal Programs (and amendments thereto) 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 of LCP amendments, although the Commission can and does use any environmental information that 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. In this case, the County approved an EIR for the new land uses and developments allowed by the LCP amendment. Staff has used this information in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. The measures are embodied in the suggested modifications to the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible mitigation measures have not been employed.



Th 16a

**BOARD OF SUPERVISORS**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Tuesday, July 18, 2006

**PRESENT:** Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson and  
Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

In the matter of **RESOLUTION NO. 2006-253:**

This is the time set for hearing to consider a resolution amending the County's previous submittal to the Coastal Commission of the Estero Area Plan update; 2<sup>nd</sup> District.

Mr. Mike Wulkan: Planning, presents the staff report; outlines the history of the Plan; discusses the Coastal Commission concerns with the Plan; highlights the Advisory Committee comments; presents the staff recommendation.

Supervisor Bianchi: expresses her support for separating the Los Osos area from the Plan; addresses her concern with the amount of staff time needed to separate this area out of the Estero Area Plan.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

Mr. Wulkan: addresses the amount of staff time needed to update the Plan; discusses the potential impacts on other planning projects; comments on the coordination between Planning and the Coastal Commission to update the Plan.

Mr. Eric Greening: expresses his support for the staff recommendation; addresses environmental concerns in the letter from Steve Monowitz, of the Coastal Commission.

Mr. Bill Walter: representing the Pratt Family, discusses the family's efforts to divide their property in the Cabrillo Estates area; discusses the litigation the family filed against the Coastal Commission regarding their denial of the property split; presents a map of the area for the record; urges the Board to clarify if the Pratt property will be in the new Plan.

Ms. Beverly Pratt: outlines the history of the property and her family's efforts to develop the same.

Mr. Wulkan: responds that the Pratt property would continue to be in the Los Osos urban area and would continue to be under the current rules.

Mr. Tim McNulty: Deputy County Counsel, comments on the continuing lawsuit by Pratt Construction.

Mr. Walter: asks that the Pratt property be excluded from the Plan.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson and on the following roll call vote:

**AYES:** Supervisors Bianchi, Patterson, Lenthall, Chairperson Achadjian

**NOES:** None

**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2006-253**, resolution to amend San Luis Obispo County's submittal to the California Coastal Commission of the update of the Estero Area Plan, a part of the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan and Circulation Element (included within Local Coastal Program Amendment No. 2-04), approved by the Board of Supervisors on November 2, 2004 by Resolution No. 2004-350, adopted.

cc: Planning (2)  
8/9/2006 cmc

STATE OF CALIFORNIA )  
 )  
County of San Luis Obispo ) ss.

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.  
WITNESS my hand and the seal of the said Board of Supervisors, affixed this 9<sup>th</sup> day of August, 2006.

(SEAL)

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By cmchristensen  
Deputy Clerk

9 C-3

**Exhibit A**  
**SLO-MAJ-2-04 Part 2 (Estero Area Plan Update)**  
**Page 1 of 4**

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Eighteenth day July, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenchall,  
James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

RESOLUTION NO. 2006-253

RESOLUTION TO AMEND SAN LUIS OBISPO COUNTY'S SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION OF THE UPDATE OF THE ESTERO AREA PLAN, A PART OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LAND USE ELEMENT/LOCAL COASTAL PLAN AND CIRCULATION ELEMENT (INCLUDED WITHIN LOCAL COASTAL PROGRAM AMENDMENT NO. 2-04), APPROVED BY THE BOARD OF SUPERVISORS ON NOVEMBER 2, 2004 BY RESOLUTION 2004-350

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, the Local Coastal Program is intended to be carried out in a manner fully consistent with the California Coastal Act of 1976, California Public Resources Code, Section 30000 et seq.; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the Land Use Element, the Land Use Element/Local Coastal Plan, the Land Use Ordinance-Title 22 of the County Code and the Coastal Zone Land Use Ordinance -Title 23 of the County Code by adopted resolutions or otherwise took action recommending said amendments; and

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, State of California, following noticed public hearings, in a regular meeting assembled on the 2<sup>nd</sup> day of November, 2004, resolved and ordered that the County General Plan, Land Use Element, Land Use Element/Local Coastal Plan, and the Coastal Zone Land Use Ordinance -Title 23 of the County Code, be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan, as contained in the document and as appears on Exhibit G970022X:A, which includes Chapter 5, the Circulation Element for the planning area; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.
2. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan official maps, as such amendment appears on Exhibit G970022X:B; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.
3. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan official maps, as such amendment appears on Exhibit G970022X:C relating to the Los Osos Urban Services Line; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

4. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Obispo Area Plan, official maps, as such amendment appears on Exhibit G980004X:A; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

5. Adopt and enact "An Ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.186, 23.05.050, 23.06.100, 23.06.106, 23.06.108 regarding Water Quality and Drainage; Section 23.05.110 regarding Roads and Bridges; Sections 23.04.200 and 23.07.104 regarding Archaeological Resources; Section 23.04.210 regarding Visual Resources; Section 23.04.220 regarding Energy Conservation; Section 23.04.440 regarding a Community-based TDC Program for Los Osos; and Sections 23.01.043 and 23.11.030 regarding Appeals within Unmapped Environmentally Sensitive Habitats" as set forth in Exhibit G970022X:D; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

6. Adopt and enact "An Ordinance amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code."

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, State of California, following noticed public hearings, in a regular meeting assembled on the 2<sup>nd</sup> day of November, 2004, ordered that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendments that were processed on the basis of a Final Environmental Impact Report (FEIR), the Board of Supervisors certified that the FEIR was prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors adopted the recommended findings of the County Environmental Coordinator.

2. Regarding the amendments that were processed on the basis of a proposed Negative Declaration, the Board of Supervisors reviewed and considered the proposed Negative Declarations together with all comments received during the public review process prior to enacting the amendments. Further, on the basis of the initial studies and comments received for the Negative Declarations, there is no substantial evidence that the amendments will have a significant effect on the environment, therefore the Board of Supervisors adopted the Negative Declarations pursuant to the applicable provisions of the California Environmental Quality Act (CEQA). The Negative Declarations prepared reflect the independent judgement of the Board of Supervisors, acting as the lead agency for the amendments.

WHEREAS, the preceding enacted amendments were submitted on December 3, 2004 to the California Coastal Commission for consideration and certification as Local Coastal Program Amendment No. 2-04; and

WHEREAS, continuing discussions between the staffs of the County Planning and Building Department and the California Coastal Commission have revealed that Coastal Commission certification of the portion of the Estero Area Plan update pertaining to the Los Osos urban area, as submitted, is problematic in the absence of a resolution to ongoing concerns about sewage disposal, water supply and habitat protection in Los Osos; and

WHEREAS, retention of the Los Osos urban area portion of the Estero Area Plan update as part of Local Coastal Program Amendment No. 2-04 jeopardizes approval of the remainder of that amendment, including the portions of the Estero Area Plan pertaining to Cayucos and the rural areas, which do not pose the same level of concern as does the portion of the area plan dealing with the Los Osos urban area;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the eighteenth day of July, 2006, that the submittal to the California Coastal Commission of the update of the Estero Area Plan, a part of the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan and Circulation Element (included within Local Coastal Program Amendment No. 2-04), approved by the Board of Supervisors on November 2, 2004 by Resolution 2004-350, be amended as follows; and pursuant to Public Resources Code, section 30514, authorize that this amended submittal be submitted to the California Coastal Commission for consideration and certification:

Amend the Estero Area Plan update so that it consists of the updated portions of the area plan that apply to the Cayucos urban area and the rural area, as submitted to the Coastal Commission on November 2, 2004 as part of Local Coastal Program Amendment No. 2-04, plus the *existing* area plan language currently in effect that applies to the Los Osos urban area, without making any other substantive changes.



Upon motion of Supervisor Bianchi, seconded by Supervisor  
Patterson, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Patterson, Ovitt, Lenthall, Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

K.H. AGHADJIAN

Chairman of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

ATTEST

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

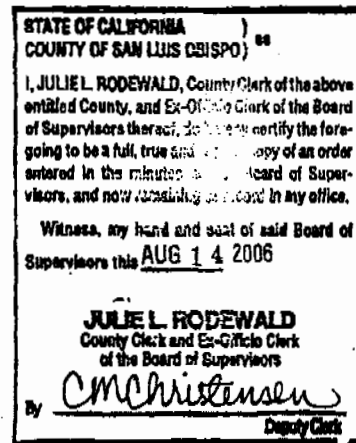
By: C.M. CHRISTENSEN Deputy Clerk  
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: [Signature]  
Deputy County Counsel

Dated: 6.30.06



**San Luis Obispo County LCP Amendment No. SLO-MAJ-2-04 Part 2  
(Estero Area Plan Update)**

**Exhibit B: County LUP Amendment Submittal –  
Estero Area Plan Update**

**See this document on the CD Disk**

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**RECEIVED**

JAN 11 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



January 10, 2007

Steve Monowitz  
District Manager  
California Coastal Commission, Central Coast District  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Steve:

**SUBJECT: PROCESS LCP AMENDMENT NO. 2-04; ESTERO AREA PLAN UPDATE**

As you know, on July 18, 2006, the Board of Supervisors adopted a resolution (copy attached) that authorizes the submittal to the Coastal Commission of an amendment to LCP Amendment No. 2-04 pertaining to the Estero Area Plan Update. Specifically, the resolution is to amend the Estero Area Plan update so that it consists of the updated portions of the area plan that only apply to the Cayucos urban area and the rural area, as submitted to the Coastal Commission on December 29, 2004 as part of Local Coastal Program Amendment No. 2-04. This leaves in place the *existing* area plan language currently in effect that applies to the Los Osos urban area, without making any other substantive changes.

We have enclosed a revised and reformatted document that reflects the revisions to the Estero Area Plan needed to accomplish the above amendment. We have made considerable effort to make the needed revisions to the Estero Area Plan, while also converting the document into Microsoft Word for better usability.

As you have requested, this letter responds to your October 3, 2005 letter requesting additional information needed to process LCP Amendment No. 2-04, specifically with regard to the Estero Area Plan update and associated amendments to the Coastal Zone Land Use Ordinance (CZLUO).

The following responses are listed in the same order as listed in your October 3, 2005 letter. The responses do not address your questions and requests for information that relate to the Los Osos urban area, as that part of the area plan will not be updated at this time. We can provide additional details and background information upon request.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us)

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

**Exhibit C**  
**SLO-MAJ-2-04 Part 2 (Estero Area Plan Update)**  
**Page 1 of 23**

## **IIA, General Information Needs**

- **Background Reports:** I believe that we handed the background and other reports to you at a meeting at our office in late 2005. Please let us know if you do not have the reports that you need.
- **Table 4.1, page 4-3:** The proposed acreages in the rural areas cannot be directly compared to the acreages shown in the existing area plan, because the planning area boundaries changed in 1990 after adoption of the original area plan. The actual net acreage changes from the existing area plan in the rural area, by land use category, are as follows: Agriculture: -303.5 acres; Recreation: 0 acres; Open Space: +365.5 acres; Rural Lands: +48 acres; Public Facilities: +382 acres. Nearly all of the proposed loss of agriculturally zoned land is due to the rezoning of the Estero Bluffs property west of Cayucos from Agriculture to Open Space.
- **Page 4-15, Cayucos URL:** Nearly all of the increase in acreage within the Cayucos Urban Reserve Line (URL) is due to the use of gross instead of net acreage, as well as more accurate calculations. However, there is one area that was added to the URL and Urban Services Line (it was also rezoned from Rural Lands to Residential Single Family): the east (uphill) side of Gilbert Avenue between Day and Chaney Avenues (see the map exhibit following Map M8D, which follows Chapter 7 in the Estero Area Plan). The area consists of five potential additional building sites on less than 0.5 acres. The Board of Supervisors included the area within the URL for the following reasons: 1) it is developed with an existing residence that is receiving water service from County Service Area 10A (CSA10A), 2) CSA 10A could make water service available to these intervening, additional lots, according to the Public Works Department, and 3) inclusion in the URL would eliminate a jog in the URL so that the entire uphill side of Gilbert Avenue between Chaney Avenue and Lee would be within the URL.
- **Pages 5-09, 5-10, 5-17, and 5-08:** passing lanes, South Bay Blvd and other street improvements: The need for proposed passing lanes on Highway 1 west of Cayucos was identified in the North Coast Circulation Study due to safety concerns. The impacts would be beneficial due to enhanced safety, and the improvements would be consistent with the statute requiring that Highway 1 remain a two-lane scenic road in rural areas. Proposed passing lanes and channelization on Highway 41 would likewise result in enhanced safety. The proposed widening of South Bay Blvd. to four lanes is needed to accommodate future traffic, improve the future "levels of service" from unacceptable to acceptable levels, and make traffic signals operate at an acceptable level. Site-specific environmental impacts of proposed improvements various would be addressed when specific projects are proposed and improvements plans can be evaluated.

## **IIB, Information Needed to Evaluate Coastal Act Consistency**

### **1. Public Access (Coastal Act Sections 30210-30214)**

- **Pages 5-17-18: Cayucos parking:** Parking on the inland side of Ocean Front Street in Cayucos is not allowed, as there is insufficient room to accommodate parked cars safely; the program to install "no parking" or similar signs is intended to help prevent illegal parking. A proposed program to establish parking time limits on downtown streets would not adversely affect coastal access opportunities when considered in light of the entire package of parking-related proposals that would result in creation of additional parking spaces, both on the street and in lots, for visitors to the downtown and the coast.
- **Pages 5-20, 7-52: coastal and public access:** Coastal access at 2886 Studio Drive is no longer available. A private encroachment into the potential vertical access resulted in a settlement of litigation between the County and the owner of property with the encroachment. As part of the settlement, the County, in 1998, authorized a quitclaim of property that had potential for use as a vertical access. Nevertheless, the recommended access improvements at 3430, 3336, 2827, and 2616 Studio Drive, together with existing vertical access in this section of the Cayucos coastline, would provide vertical access to the coast at intervals less than one-quarter mile, consistent with the CZLUO. Regarding the 1.8-acre property west of and adjacent to Cayucos Creek, coastal and bluff-top access would be required consistent with the CZLUO coastal access requirements, and would need to be tailored in accordance with the type of use on the property. The location and design of such access would depend on whether commercial or residential uses are proposed (please refer to Recreation standard A on page 7-58).
- **California Coastal Trail:** Specific alignments for the California Coastal Trail through the Planning Area have not been determined, but trail corridors are being identified and reviewed by the Board of Supervisors. These corridors could be included in the Estero Area Plan, but discussion of methods to secure, sign and maintain the trail are beyond the scope of a general plan Land Use Element.
- **Page 7-08 public access to and along the coast:** The phrase "public access and improvements to and along the coast" refers to trails and other coastal accessways, and their associated improvements such as stairs, landscaping, signs, and parking. The proposed standards require such access and improvements to recognize and protect existing prescriptive rights, and to be consistent with the coastal access goals, policies and language in Chapters 5 and 8 of the Estero update. Those chapters contain language that mirrors and is consistent with Sections 30211 and 30212 of the Coastal Act. In addition, the requirement to recognize and protect existing prescriptive rights is consistent with the requirement in Section 30211 that development not interfere with public rights of access to the sea acquired through legislation or use.
- **Page 7-32: coastal access and recreation on Estero Bluffs property:** The update does not include specific standards regarding access and recreation along the Estero Bluffs property west of Cayucos. However, the text in Chapter 8 does state that defined coastal access should be planned, consistent with protecting sensitive habitat, scenic views and

agricultural use. The details should be spelled out in a management plan to be prepared by the State Department of Parks and Recreation.

- **Chapter 8: questions/observations:**

- Page 8-3: Protection of "visual access" to the coast and other scenic areas is addressed by standards in Chapter 7 for Critical Viewsheds and SRAs, together with proposed Coastal Zone Land Use Ordinance Section 23.04.210 (Section 3 of the proposed package of CZLUO amendments), Visual Resources.
- Page 8-4: This section is a brief overview of coastal access in Cayucos. Seawalls and sand supply are addressed by standards A2 and B2 on pages 7-45 and 4-38, respectively.
- Pages 8-06, 8-08: coastal access policies and programs: Quiet title actions are legal actions that are not subject to land use permit regulations of the CZLUO. Similarly, road abandonments by themselves are not subject to land use permits, as the process for consideration of road abandonments is governed by the Streets and Highways Code. However, proposed road abandonments do trigger preparation of conformity reports that evaluate their consistency with the County General Plan, including the LCP. In any case, road abandonments and quiet title actions are coastal zone-wide issues that could be addressed as part of future LCP amendments.

The program to retain public land holdings that are appropriate for public access or recreational is best retained as a program, although making this into a policy is an alternative. As a program or policy, its intent would be considered when a conformity report is prepared for proposed sales of public lands. However, such a program or policy could not be implemented as a standard, as no land use permit or county approval is normally required for a proposed sale of public property.

- Page 8-06: lateral access: The lateral access standard that requires lateral access dedications from the toe of bluff to the inland boundary of the public beach, where applicable, needs to be implemented on a case-by-case basis, taking into account ownership of the beach.
- Page 8-07: fence restrictions: We agree that the Los Osos standard that places limitations on bayfront fences could be applied areawide so that such fences do not preclude vertical access. However, in the privately-owned bayfront areas outside of Los Osos, the issues of public views of the water, lateral access and wildlife movement are already addressed by blufftop setback standards that preclude fences greater than three feet high, and by strict limitations on use in the case of the Chevron property south of Cayucos. The remaining bayfront areas are publicly owned and adequately protected with regard to views of the water, lateral access and wildlife movement.

- Page 8-08: beach closures: The program in question deals with possible seasonal limitation of public access to protect the snowy plover in connection with development of a park and coastal access between Cayucos and Morro Bay. In any case, such development would be subject to a CDP that would take into account coastal access needs as well as the need to protect federally listed species.
- Page 8-09: parking time limits: The proposal to establish a parking time limit in downtown Cayucos is intended to prevent employees and vendors from making long-term use of parking spaces that could be used by shorter-term users, such as customers and visitors, including visitors to the coast. Furthermore, this proposal is part of a package of measures to *increase* the amount and availability of parking for the downtown, beach and recreation areas, thereby enhancing visitor-serving opportunities. We disagree that the establishment of parking time limits, by itself, requires a land use permit, as that action would not change the intensity of use of or access to the coast (it could possibly affect *where* people park to visit the coast), and would therefore not meet the definition of "development."
- California Coastal Trail, prescriptive rights: The California Coastal Trail is referenced in Policy B.1. on page 8-5, as well as in Section C3 on page 5-24. Prescriptive rights are referenced in the second planning areawide policy under B.1. on page 8-5.

## 2. Recreation (Coastal Act Sections 30220 – 30224)

- **Coastal recreational opportunities in Cayucos:** The only potential change in the amount of land eligible for coastal-oriented recreational or visitor-serving uses is on the approximately 1.8-acre property located on the south side of North Ocean Avenue, west of and adjacent to Cayucos Creek. On that property, a planning area standard was changed by the Board of Supervisors to allow residential uses, *as well as* recreational and visitor-serving uses. Thus, while recreational and visitor-serving uses are not guaranteed, they are not precluded either. The land use category of properties adjacent to Little Cayucos Creek is to be changed from Recreation to other categories; however, that creek and its riparian corridor do not offer recreational opportunities. In addition, the area plan proposes to allow a limited amount of residential development within visitor-serving priority areas in the downtown as part of mixed-use development proposals. However, residential development would be limited to upper floors only, as those locations would have little or no demand for visitor-serving uses.
- **Demand for visitor-serving facilities in Cayucos; Page 2-06:** potential hotel/motel development: Nearly the entire central business district, as well as some adjacent areas, is within the Visitor-serving Priority Area (V) combining designation. The update does not change the extent of the V designation, except on the 1.8-acre property west of Cayucos Creek (see the preceding paragraph). Aside from visitor-oriented retail uses, the primary visitor-serving use in Cayucos has been and is likely to be transient lodging. The estimated number of hotel and motel units on page 2-06 is derived from the ratio of hotel/motel units per developed acre multiplied by the amount of vacant acreage in the Commercial Retail and Recreation land use categories (the primary categories for future hotel/motel development in Cayucos). However, the demand for new hotels and motels in Cayucos appears to be declining, as off-season vacancy rates remain very low.

- **Page 7-35: condominium hotels in Cayucos:** The update proposes to allow condominium hotels and motels in Cayucos wherever conventional hotels and motels are allowable. The impact on visitor-serving opportunities should be minimal, because CZLUO Section 23.08.264 includes safeguards to protect visitor-serving opportunities. For example, proposed condominium hotel or motel units are reserved for the general public over 75 percent of the year. In addition, in order to approve a project, the Planning Commission must first determine that the proposal will not reduce the availability of accommodations for overnight or transient occupancy to the general public, tourists and visitors compared to a conventional hotel or motel. The Development of or conversion to condominium hotels or motels could actually *increase* visitor-serving activity by increasing occupancy rates during the normally low off-season, thus bringing more visitors to the community and the coast during that period.
- **Page 7-56: mixed-use development in the Cayucos central business district:** The proposed mixed-use standards act to protect visitor-serving opportunities that accommodate future demand. The standards accomplish this by 1) placing a cap on the total amount of residential development (96 dwelling units, including existing units), 2) limiting residential development to the upper floors only, 3) prohibiting conversion of transient lodging to residential uses, 4) requiring more residential parking than is normally required in mixed-use development, and 5) requiring that before a residential mixed-use project can be approved, the review authority first make two findings. One finding is that the proposal would not diminish opportunities for parking for existing or expanded visitor-serving or recreational uses on the same site. The other finding is that development would not remove or convert existing lower-cost visitor-serving or recreational facilities unless replaced by a comparable facility (see also the preceding bullet titled "Demand for visitor-serving facilities in Cayucos; Page 2-06"). The Coastal Plan Policies for recreation and visitor-serving facilities protect lower-cost facilities, but definitions of such facilities are not included in the area plan so that the facts of each case can be determined on its own merits by the review authority. When residential mixed-use development involves new visitor-serving uses, parking for such uses would not be adversely affected, because adequate on-site parking for the visitor-serving uses would be assured.
- **Pages 3-36-38, 4-48, 7-58: park needs:** The area plan cannot designate private properties for public park use through land use categories and planning area standards in order to reserve land for park use or otherwise assure the development of park sites. However, the area plan can identify general areas where park development is needed or desired. In Cayucos, for example, a limited amount of public land is available for park development, and the ability to develop parks is dependent upon funding for acquisition, development and maintenance. However, the park program on page 4-47 calls for development of a total of 28 acres of park land in Cayucos, including two neighborhood parks and a coastal bluff park. As opportunities for park development arise, that program would guide park location and design. Some Recreation land use categories are applied to privately owned lands where recreational and other land uses are allowable, but where the area plan cannot reserve or require public recreational uses. One such proposed Recreation category is the approximately 1.8-acre property located on the south side of North Ocean Avenue, west of and adjacent to Cayucos Creek. The proposed planning area standard for that site *does* include coastal accessways as an allowable use (as an allowable use in the "Cultural, Education & Recreation" use group). In general, private development does not provide



public parkland (not including coastal access), except in the case of major land divisions and large development projects.

- **Map change M10: CR to REC:** The proposed change is from Commercial Retail to Recreation. The proposed planning area standards allow residential, recreational and visitor-serving uses. However, the Planning Commission and Board of Supervisors agreed with the applicant's contention that site constraints, such as the required blufftop and creek setbacks, together with parking requirements, limit the site's viability for visitor-serving uses such as shops and lodging as the principal or priority uses. Implementing the applicable policies in the Coastal Plan Policies would protect coastal views. The required bluff setbacks and related standards in the CZLUO would protect the shoreline and avoid development of shoreline protective devices.
- **Map change M12: changes to REC category along Little Cayucos Creek:** The area plan changes the land use category of properties adjacent to Little Cayucos Creek from Recreation to correspond to the existing, adjacent land use categories of the lots that abut the creek (RMF, CR, O/P, and PF). These changes will not affect recreational and coastal access opportunities, because the creek and its riparian corridor are environmentally sensitive, abut primarily the yards of residential properties, are not shown on any existing or proposed County trail plans, and do not offer recreational opportunities.
- **Pages 7-34 to 7-35 REC category between Cayucos and Morro Bay:** We agree that given the proposed limitation of uses to passive recreation, pipelines and transmission lines, coastal accessways, and water wells, height requirements are unnecessary. However, possible development of a parking area for coastal access would be most appropriate adjacent to Studio Drive. The Recreation category is environmentally sensitive, and includes habitat for the federally listed snowy plover. Allowable uses are to be limited to the least intensive ones in order to minimize potential environmental and visual impacts. In addition, a program (see program E.2. on page 4-47) to develop a park and coastal access on this property includes a provision to protect and enhance sensitive habitats and to consult with the U.S. Fish and Wildlife Service in connection with development. Seasonal limitation of public access would be possible to protect the snowy plover. In any case, development would be subject to a CDP that would take into account coastal access needs, as well as the need to protect sensitive habitat, federally listed species and views to and along the coast.

### **3. Marine Environment (Coastal Act Sections 30230 – 30236)**

- **Drainage standards:** Proposed development standards that would address drainage concerns include revisions to CZLUO Section 23.05.050 (Section 9 in the proposed package of CZLUO amendments) maximize groundwater recharge, remove pollutants from runoff, and minimize impervious surfaces. In addition, a proposed program (D.1. on page 3-24) calls for funding to implement a master drainage program for Cayucos.
- **Page 7-45: Seawalls:** The purpose of Standard A2 is to clarify (and in some cases establish a more strict) interpretation of the CZLUO with regard to major remodeling or reconstruction of blufftop structures. The *new* portion of the development; i.e., the addition, must meet the required blufftop setback. Regarding the determination of replacement cost, the formula we use compares the cost of reconstruction to the assessed valuation or market

valuation of the existing structure. Reconstruction cost is determined by multiplying the square-footage of the reconstruction by a cost per square foot, for example, \$89.62 per square foot for a dwelling and \$23.57 for a garage. If the reconstruction cost exceeds 75 percent of the valuation of the structure, then the provisions of this proposed standard apply.

#### **4. Land Resources (Coastal Act Sections 30240 – 30244)**

- **Page 7-46: setbacks from Cayucos creeks:** The specified creek setbacks, and the method for measuring those setbacks, differ from the standard riparian setbacks in the CZLUO, because the standard setbacks, due to the small size of the mostly residential lots that abut the Cayucos Creeks, would make development of the principally permitted use infeasible in many cases. Furthermore, the proposed creek setback distances are the same as those in the existing, Coastal Commission-certified area plan. Due to the presence of this riparian vegetation in the private yards of residential properties, measuring the creek setback from the edge of riparian vegetation (where it exists outside of the creek bank) would create an incentive to cut and remove the vegetation in order to increase the area available for development.
- **Page 7-27: site selection for development in Agriculture:** Existing planning area Standard 1 is to be deleted in order for the applicable CZLUO sections to govern the location of development on prime soils [Section 23.08.167a, Limitation on dwelling location – prime soils, and Section 23.08.041b, Limitation on location – Prime soils (for agricultural accessory structures)]. Those sections are actually more protective of prime agricultural soils than the existing planning area standard. In addition, proposed Standard A1 is a new requirement that limits the variety of land uses on the better agricultural soils. Both of those proposed changes are consistent with the intent of the Coastal Act to maintain prime agricultural lands.
- **Page 7-27: limitation on use:** Row Crop Terrain and Soils are characterized by irrigated croplands used to grow vegetables, seeds, orchards, and irrigated specialty crops, and may also be used for soil-dependent greenhouses. This classification occurs primarily on parcels in valley bottomlands that range from 10 to hundreds of acres in area and have Class I and II soils, although some areas of Class III soils may also be included. Agricultural lands that fit this description are classified as Row Crop Terrain and Soils. Agriculture standard A1 essentially limits the allowable types of non-agriculturally-related uses on such lands to farm support quarters, other residential uses, and "public utility facilities." This standard is more restrictive than Table O in *Framework for Planning* of the Land Use Element and Local Coastal Plan (under Agriculture - Prime Soils") as to the allowable number of both agricultural and non-agricultural uses.
- **Map changes M1:** The area plan changes the land use category of three sites from Agriculture to another category in the rural portion of the planning area. Those changes are consistent with Sections 30241, 30241.5 and 30242 for the following reasons:
  1. Change from Agriculture to Rural Lands on a 22-acre portion of an approximately 425-acre ownership that is split by the boundary between the Estero and San Luis Obispo Planning Areas at the terminus of Clark Valley Road:

- a. Agricultural use is not feasible, because the soils are Class VII, which is poorly suited to rangeland, the topography is steep and the site (and the larger property) is wooded. In addition, 22 acres is too small to support a grazing operation, and the acreage is part of a larger, over 400-acre ownership, the remainder of which is zoned Rural Lands in the San Luis Obispo Planning Area.
  - b. The conversion would be compatible with continued agricultural use on surrounding lands, because the Rural Lands land use category allows grazing and very low-density residential uses, which are compatible with each other. In addition, only very limited additional development could result from this rezoning, as the minimum parcel size is 160 acres, with only one residence allowed per parcel on the remainder of the ownership.
2. Change from Agriculture to Rural Lands on a 26-acre portion of a larger ownership that is split by the boundary between the Estero and Salinas River Planning Areas, located on the south side of Highway 41 at the Estero Planning Area boundary:
  - a. Agricultural use is not feasible, because the soils are Class VI, most of which soils are only moderately suitable for grazing, and 26 acres is too small to support a grazing operation (the minimum parcel size for Class VI soils is 160 acres, and for existing grazing uses is 320 acres). In addition, the 26 acres are part of a larger ownership, the remainder of which (300+ acres) is zoned Rural Lands in the Salinas River Planning.
  - b. The conversion would be compatible with continued agricultural use on surrounding lands, because the Rural Lands land use category allows grazing and very low-density residential uses, which are compatible with each other. In addition, only one extra parcel and limited additional development could result from this rezoning, as the minimum parcel size is 160 acres, with only one residence allowed per parcel on the remainder of the ownership.
3. Change from Agriculture to Open Space on approximately 276 acres on the ocean side of Highway 1 between Cayucos and Villa Creek:
  - a. Although the land use category would be changed, agricultural use could continue, because allowable uses would be limited through a planning area standard to grazing (the existing use), coastal access, passive recreation, water wells, and pipelines and transmission lines. Those low-intensity uses would be compatible with continued agricultural use on the property and surrounding lands. Furthermore, the area plan, in Chapter 8, calls for formal coastal access to be compatible with agricultural use. As is typical for properties under the ownership of the State Department of Parks and Recreation, a management plan will be prepared for this property, and will need to be consistent with the provisions of the Estero Area Plan.
- **Map change M11:** The area plan changes the land use category of approximately 10 acres at the western end of Cayucos from Agriculture to Residential Multi-family. This change is consistent with Sections 30241, 30241.5 and 30242 for the following reasons:

- Agricultural use is not feasible, because the approximately 10-acre site is too small to support grazing or other agricultural uses, is physically separated from the remainder of the ownership that is within a Land Conservation Act contract, is located within an urban services line, and is adjacent to urban development and Highway 1.
- The conversion would preserve prime agricultural land or concentrate development consistent with Section 30250, because it would provide "infill" development in an area programmed for urban development, while easing pressure to convert prime agricultural land outside of the urban area. In fact, the existing certified Estero Area Plan anticipates the conversion of this site to urban use (see the first paragraph of page 4-20 in the enclosed Estero Area Plan update).
- The conversion would not affect the continued agricultural use on surrounding lands, because the site is located within an urban area and physically separated from agricultural lands.

## **5. Development (Coastal Act Sections 30250 – 30255)**

- **Page 2-4: tourist and visitor-serving development:** Goal 4 for the entire Estero Planning Area is to expand tourist and visitor-serving development *where appropriate*. One example of such development is a golf course; however, no potential sites have been identified. Staff recognizes that there may not be any suitable sites where development of a golf course or other major tourist or recreational facility would protect agricultural resources, be accommodated by public service capacities, and otherwise comply with Coastal Act Section 30250. Before any site is identified for possible development of major tourist or recreational facilities, a complete analysis would be needed to address protection of coastal resources, most likely as part of an LCP amendment.
- **Page 7-10: light and glare:** The proposed development standard to reduce light and glare does apply areawide: it is areawide standard III. I.
- **Page 7-15: areawide circulation standards 3 and 4:** The area plan deletes existing standards 3 and 4, because other existing and proposed standards better address their provisions. For example, standard 3 regarding road design and construction in new land divisions is more comprehensively covered by existing CZLUO grading and sedimentation and erosion control standards (see, in particular, Sections 23.05.034a, d, and g, and Sections 23.05.036), and by proposed CZLUO Section 23.05.110 regarding road and bridge design (Section 6 of the proposed package of CZLUO amendments). The later standard requires that roads and bridges protect sensitive resources and prime agricultural soils, and that they minimize disturbance of terrain, drainage courses, and vegetation. The standard also includes specific measures, including contour grading, planting of native vegetation on graded areas, and methods to prevent pollution of surface waters. The provisions of standard 4 regarding building sites in new land divisions are addressed by an existing and a proposed regulation in a more stringent manner. Real Property Division Ordinance Section 23.010(c) (8) requires that proposed building sites shall be in locations that are least visible from public roads, and shall not be located on ridgetops such that future structures will silhouette against the skyline as viewed from public roads. Proposed standard B1 on page 7-06 of the area plan requires that building sites in new land divisions shall not silhouette against the sky where viewed from public roads, public beaches, the ocean, or the Morro Bay Estuary.

- **Pages 7-15, 7-19, 7-20: visual standards:** The update *does* include specific and comprehensive development standards that *strengthen* protection of visual resources. Please refer to proposed CZLUO Section 23.04.210 (Section 3 of the package of CZLUO amendments), which applies *throughout the coastal zone* within "critical viewsheds," "scenic corridors" and Sensitive Resource Areas that are intended to protect visual resources. The proposed standards limit the location of development to the least visible areas, limit building height and mass, prohibit silhouetting against the sky as seen from key public viewing locations, require substantial screening of structures from roads, and require clustered development and preservation of appropriate areas. For scenic corridors, the standards require large setbacks and prevent signs from interfering with scenic vistas.

The provisions of existing combining designation standard 7a for the coastal terrace west of Cayucos (to be deleted) are included in the proposed CZLUO standards. In fact, the proposed standards are more stringent than standard 7a, because the proposed standards do not exempt residential structures having an area of less than 600 square feet.

The Estero Area Plan includes some scenic areas within the Sensitive Resource Area combining designation on the Official Maps, for example, the Morros and the entire coastal terrace west of Cayucos (the later Sensitive Resource Area expanded in the update). Other areas, also of high visual importance, are included within mapped "critical viewsheds" and a "scenic corridor" in the Estero Area plan. Examples are the proposed Irish Hills Scenic Backdrop Critical Viewshed and Los Osos Valley Road Scenic Corridor (page 7-17), and the Highway 1 - Cayucos Critical Viewshed (page 7-18) on the inland side of Highway 1. Although those areas are not mapped as Sensitive Resource Areas, the effect would be the same, as the same visual standards in proposed CZLUO Section 23.04.210 would apply to those areas as the Sensitive Resource Areas (with the exception that special scenic corridor standards would apply within the mapped scenic corridors).

With regard to a portion of the Coastal Terrace SRA and Critical Viewshed (Figure 7-9 on page 7-21), the eastern limit of this area is the western limit of development (the Cayucos URL).

The SRA designation for the coastal terrace west of Cayucos *does* extend to the planning area boundary (see Map M6 following Chapter 7); however, the specific standards on page 7-20 apply only to the major portion of that area, since prior studies identified that specific area as having potential for sensitive plants and marine mammals. In reality though, development in the rest of the SRA would be subject to environmental review that would evaluate potential impacts to biological and other coastal resources.

The area plan *does* propose to include the area west of Highway 1 in the "ocean shoreline SRA." On Map M6, item 4 under "Proposed Changes" states, "expand ocean shoreline SRA to include entire area seaward of Hwy. 1 north and south of Cayucos," and the map shows a corresponding circled number 4 south of Cayucos.

Standard B1a for the Morros SRA and Critical Viewshed on page 7-20 requires that a biology report be submitted for land divisions and land use permits that are subject to the provisions of the proposed CZLUO visual standards (Section 23.04.210a; see Section 3 in the proposed package of CZLUO amendments). This reference means simply that the requirement for a biology report, as well as the requirement to cluster development in land

divisions, applies to land divisions, and to land use permits for residential and residential accessory structures, commercial structures, and other specified development, with the exception of agricultural accessory structures smaller than 600 square feet. We suggest clarifying standards B1a and b accordingly, or specifically referencing CZLUO Section 23.04.210a and a(1).

- **Pages 3-10, 3-11, 3-12, and 3-13: Cayucos Water Supply:** The Lake Nacimiento Water Project is 90 percent designed. In 2007, the County expects environmental and regulatory agencies to issue permits. Construction contracts could also be executed in 2007. If construction begins in 2007 and proceeds on schedule, the project could be operational by 2010. Assuming that Cayucos obtains 160-acre-feet per year of supplemental water through exchange agreements as envisioned in the EIR for the water project, the total water supply for Cayucos could be sufficient to accommodate estimated buildout under the Estero Area Plan, using certain assumptions about water usage, vacancy rates and the amount of retrofitting of plumbing fixtures. For example, assuming that Cayucos obtains an additional 160 acre-feet per year and that the occupancy rate of existing development eventually increases to over 87 percent (it has historically been much lower), the total water supply could be adequate to accommodate the water demand at buildout under the proposed plan. *This assumes that there would not be any retrofitting or additional conservation measures (see Table 3-3 on page 3-13).* However, this conclusion looks at the water supply for Cayucos as a whole, and does not take into account the fact that each of the three independent water purveyors has its own water allocation for use within its respective service area. A 100 percent occupancy rate, even in the future, is an unrealistic assumption for Cayucos. However, under such an assumption, supplemental water, as well as retrofitting in excess of 50 percent, would be needed to accommodate buildout under the proposed plan.

Program 4 on page 3-39 to encourage reducing total residential water demand by 20 percent, if achieved, would provide an extra margin of safety to accommodate buildout under the preceding assumptions. Alternatively, such a reduction in total residential water demand (roughly equivalent to 100 percent retrofitting) could accommodate the additional buildout that would result from increasing multi-family densities from 10 to 15 dwelling units per acre (as submitted, the area plan reduces multi-family densities from 15 and 26 units per acre to only 10 units per acre). The estimated reductions in water demand achieved by 50 and 100 percent retrofitting are generalized figures; therefore, the community might not achieve the highest estimated reductions in water demand, because many residences may already have been retrofitted. The area plan does not require conservation, because conservation measures are within the jurisdiction of the private water purveyors that provide most of the community's water.

- **Page 7-59: Bella Vista property:** The Bella Vista property consists of the large parcel labeled "Bella Vista" in Figure 7-28, as well as the adjacent long, narrow parcel through which Cayucos Creek flows. Together, the two parcels total about 12 acres. It is our understanding that neither of those parcels is within the service area of a water purveyor. The likely, potential supplemental water source for the Bella Vista property and other parts of Cayucos is the Lake Nacimiento water project, via a water exchange. The owner of the Bella Vista property has expressed interest in obtaining a total of 50 acre-feet per year that could potentially serve that property, as well as some nearby properties under the same ownership.

- **Cayucos wastewater treatment:** The Morro Bay wastewater treatment plant has the capacity to accommodate increased wastewater flows from the estimated buildout populations of both Cayucos and Morro Bay. At buildout, the total wastewater flows from Cayucos would represent only 52 percent of Cayucos' total entitlement at the Morro Bay treatment plant. Furthermore, the increased flows from potential additional growth in Cayucos would be about 0.24 million gallons per day, which represents only about 10 percent of the capacity of the treatment plant. We therefore respectfully submit that an evaluation of the existing treatment plant's future environmental impacts on the marine environment and other coastal resources is beyond the scope of this area plan update and its discussion of services. The EIR for the treatment plant expansion should have discussed the environmental impacts in question.
- **Cayucos school site:** The Cayucos Elementary School campus is too small to provide an adequate program for middle school students, as the school serves grades kindergarten through eight. In addition, buildout would result in additional students that would add to an overcrowded situation. Staff has assisted and worked closely with the school district by identifying and evaluating many potential sites near Cayucos for a new 10-20-acre school (there are no larger sites available within the Cayucos URL). However, the school district has not identified a suitable site; therefore, no potential school site locations have been included in the area plan. Instead, Policy A3 on page 4-16 calls for the county to support acquisition and development of a new elementary school as close as possible to the URL.

## **IIC, Relationship to Other Sections of the LCP**

- **Page 4-13: rural area Recreation policy 3:** Policy 3 is intended to limit uses to open space, recreation and visitor-serving-related uses in *new* Recreation categories in rural areas. The purpose of this policy is to preclude inappropriate residential and other development in rural areas in connection with any new recreational and visitor-serving uses. We suggest clarifying this policy so that it applies to only to *new* Recreation categories. The *existing* Recreation categories in the rural portion of the planning area apply to Montana de Oro State Park, a strip of land between Cayucos and Morro Bay along the shoreline, and a mostly-developed area along Highway 41. Those areas are already subject to planning area standards that limit uses. In the case of the State Park, uses are limited in accordance with the approved Development Plan for the park. Uses on the coastal strip between Cayucos and Morro Bay are limited primarily to passive recreation and coastal access. The area along Highway 41 is developed primarily with a mobilehome and RV park, and uses are generally limited to the existing uses.
- **Pages 6-5, 7-33-7-34: bluff erosion, bluff setbacks:** The criteria for new development to withstand 75 years of bluff erosion without the need for shoreline protective devices is part of the existing, certified LCP, and is consistent with avoiding the need for shoreline protective devices for the life of the structure per Coastal Plan Hazards Policy 1. The proposed geologic bluff setback standard on pages 7-33 and 7-34 is essentially the same as the standard in the existing, certified LCP, and is consistent with Coastal Plan Hazards Policy 4 regarding limitations. The standard for bluff setbacks is clarified to require a high level of geologic review (by a certified engineering geologist). It is also clarified to specify that development must withstand 75 years of erosion without the need for shoreline structures *requiring substantial landform alterations*, which is consistent with the Coastal Plan Hazards Policy 4 limitation on construction of shoreline structures that would



substantially alter existing landforms. Regarding the 75-year bluff retreat distance, we have found that the minimum 25-foot bluff setback required by this standard often exceeds the 75-year bluff retreat distance.

### IIIA, Ordinances to Implement Scenic SRAs

- **CZLUO Section 23.04.190: fence restrictions:** A Los Osos planning area standard requires that fences shall not restrict public views of the water, preclude lateral access or interfere with wildlife movement. We agree that this standard could be applied areawide through a planning area standard or an amendment to Section 23.04.190 of the CZLUO so that fences do not preclude vertical access. However, in general, bayfront areas throughout the coastal zone are already subject to standards and limitations that adequately address issues of public views of the water, lateral access and wildlife movement (please see the preceding discussion of fence restrictions in Section IIB1. under the heading, "Chapter 8: questions/observations").
- **Location of ordinance provisions (Section 3, page 2 of the proposed package of amendments to the CZLUO):** We placed the proposed visual standards in CZLUO Section 23.04.210 so that they would apply *throughout the coastal zone*, and not just in the Estero Planning Area. The result is that strict and consistent measures would protect scenic views within identified SRAs, Critical Viewsheds and Scenic Corridors in all four coastal planning areas. As CZLUO standards, these measures would have the same effect as if they were combining designation standards in the area plan, except that they would apply throughout the coastal zone.
- **Section 23.04.210a(2): development not visible:** According to the ordinance, an applicant will need to provide documentation in order to support the contention that a proposed project will not be visible from specified public areas. Such documentation *will* need to include, at a *minimum*, topographic contours. This language gives the Planning Director the discretion to consider other factors, including vegetation, in determining whether a project is visible or not. Story poles and flags could be needed in some cases in order to determine whether a site is visible, but should not be required. The provisions of this ordinance are intended to apply to public viewing areas with the greatest number of viewers, such as beaches and major roads; for that reason, public parks, which include small parks used by relatively few people, were excluded from the list.
- **Section 23.04.210c(6): open space preservation:** When open space protection is required, the county typically requires an owner to enter into an agreement with the county that sets forth the specific limitations to protect open space on the particular property. Our County Counsel always reviews the agreement for legal adequacy. The LCP's access policies are implemented by various existing and proposed parts of the area plan, including the provisions explained in Section IIB1 of this letter. In general, we believe that there is no nexus to require public access to private property that is being protected for scenic purposes, unless the LCP or the County General Plan otherwise requires such access. Furthermore, public access to private property, unless specifically identified in plans, may not be part of any network of open space that would allow connections from one property to another to form desirable access. Finally, many of the areas where scenic views would be protected, such as the Morros and the hillsides on the inland side of Highway 1, have little or



no potential to provide public access to and along the coast and have agricultural resources that would be adversely impacted by such access.

### **IIIC, Updates to Drainage Ordinance**

- **Sections 23.05.050e and f: drainage standards (Section 9, pages 7 and 8 of the proposed package of amendments to the CZLUO)** We concur that the introductory language in Section 9 incorrectly states that subsection f was added during Periodic Review. Accordingly, subsections g and h should be re-lettered f and g, respectively.
- **Section 23.05.050h: Impervious surfaces:** It would be problematic to develop a measurable standard to limit the amount of impervious surface such that the standard applies fairly and effectively to a wide variety of situations, for example, residential and commercial development, new development and remodels, large and small lots, and urban and rural lots. We are confident that review of proposed development on case-by-case basis is most appropriate and effective.

### **IIID, Update to Appealability Ordinance**

- **Section 23.01.043c(3)(i): appealable development: exclusion for "unmapped ESHA," (Section 13, pages 9 and 10 of the proposed package of amendments to the CZLUO):** This provision amends the section on appealable development to clarify that development proposed in an "unmapped ESHA is" not appealable solely because it is an ESHA. However, it may be appealable for other reasons, consistent with other LCP requirements. Defining "unmapped ESHA" as a type of ESHA means that those habitats would be subject to the same standards and protection as mapped ESHA. Excluding unmapped ESHA from appealable development makes development review more efficient and effective overall, while maintaining the same level of protection for sensitive habitats. Making development appealable does not assure, by itself, any greater protection of resources.
- **Section 23.11.030: "unmapped ESHA" (Section 14, pages 10 and 11 of the proposed package of amendments to the CZLUO):** The purpose of this section is to add a definition for a second type of ESHA that is usually unmapped or poorly defined on County LCP maps. Early recognition of the existence of ESHA, whether mapped or unmapped, is important for both proposed development and protection of the resources. This proposal allows for better identification and protection of Environmentally Sensitive Habitat Areas and brings the County's LCP into conformance with the Coastal Act without having to go through lengthy LCP amendments to map specified habitats. Furthermore, new resources are often identified, their extent sometimes changes, and it is often not possible to map all resources with complete accuracy. Therefore, the county can better protect those resources at an earlier time by identifying them through a list of criteria without the need to identify them on the official LCP maps, while providing the same level of protection as if they were mapped ESHA.

We agree that the glossary of terms in Appendix C of the Estero Area Plan should be revised to reflect the proposed definitions of "mapped" and "unmapped ESHA."

Steve Monowitz  
Page 16  
January 10, 2007

We look forward to working closely with you and your staff in order to resolve outstanding issues and to move the update forward in as timely a manner as possible.

Sincerely,



Mike Wulkan  
Supervising Planner

Attachment: Board of Supervisors Resolution No. 2006-253, July 18, 2006

## DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR



June 22, 2007

Jonathan Bishop, Coastal Program Analyst  
California Coastal Commission, Central Coast District  
725 Front Street, Suite 300  
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**RECEIVED**

JUN 26 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Jonathan:

SUBJECT: LCP AMENDMENT NO. 2-04; ESTERO AREA PLAN UPDATE

This letter responds to your May 29, 2007 letter requesting clarification of issues and additional information needed to process LCP Amendment No. 2-04 with regard to the Estero Area Plan update. The following responses are listed in the same order as listed in your May 29 letter. We look forward to your timely filing of the LCP amendment application as complete and scheduling it for hearing on the August 2007 Commission agenda.

### IIA, General Information Needs

- **Background reports:** The background and issues reports are enclosed.
- **Page 4-15, Cayucos URL:** The area proposed to be included in the Urban Reserve Line and Urban Services Line (it was also rezoned from Rural Lands to Residential Single Family) is on the east (uphill) side of Gilbert Avenue between Day and Chaney Avenues, and is shown on the enclosed aerial photo and topographic/slope map. This area consists of five potential additional building sites on less than 0.5 acres.

A building permit for the existing residence within this area (located at 3545 Gilbert Avenue) was issued in 1976, prior to the time that a Coastal Development Permit was required. The residence is receiving water from County Service Area 10A (CSA10A) via a water line in Gilbert Avenue that fronts this tier of lots and connects to Chaney Avenue. Sewer service is provided by the Cayucos Sanitary District, whose service area includes this tier of lots.

The lots are included in the Geologic Study Area (GSA) combining designation, as they are subject to landslide hazards, as are all the lots in this area that are located above Shearer Avenue. The slopes generally range from 0 to 20 percent, with some areas between 20 and 30 percent and steeper. A Variance application would be required for development on slopes of 30 percent or steeper.

As is typical in Cayucos, several sensitive species of plants and animals are known to occur in the vicinity. They could occur on these lots, although review of the aerial photograph shows that the lots generally lack vegetation. Nevertheless, development applications in this area would be subject to a requirement for a biological survey to determine whether any sensitive species are present and to recommend mitigation measures.

These lots may be visible from Highway 1, but development would not extend higher up on the hill than the adjacent developed lots to the west. In any case, potential visual impacts would be evaluated on a case-by-case basis as development is proposed. Proposed planning area standards for lot coverage and wall height would apply to this area, thus helping to limit the massiveness of structures on these small lots.

- **Pages 5-8, rural passing lanes west of Cayucos:** A copy of the *North Coast Circulation Study* is enclosed.

The "west of Cayucos" segment is approximately 11 miles long, and focuses on operations to the Route 46 intersection. It does not end at the western planning area boundary.

Safety concerns involve unsafe passing due to peak traffic volumes and slower-moving vehicles. This increases the probability of head-on collisions that result in the greatest extent of injury. Roads such as Route 1 with limited suitable passing zones and increasing traffic volumes contribute to these conditions. Providing for passing at designated locations substantially reduces this concern.

Caltrans and CHP maintain collision data, and the County has no access to current frequency data. However, there have been at least three fatalities in this segment over the past three years from published reports—at least one due to unsafe passing.

The minimum length of passing lanes is determined by terrain and volume of traffic. For peak season traffic, a three-quarter mile passing lane is needed in each direction to disperse the expected vehicle platoons.

No alternative operational improvements have proven effective. Signage and striping is already in place, and little else could be done to reduce vehicle platoons. Introducing a signal would only create more platoons and delay as well as vehicle emissions from starting/stopping operations. Turnouts or pullouts would not be applicable on a high-speed highway; they are suitable for mountainous conditions where speeds are slower, allowing vehicles to merge back into the through lane.

## **IIB, Information Needed to Evaluate Coastal Act Consistency**

### **1. Public Access**

- **Page 5-17, Cayucos parking programs:** No properties have been identified for use either as a public or private parking lot. No details have been proposed at this time regarding the program for time limits on parking in Cayucos. However, it is likely that parking time limits would be considered for the downtown commercial core area between Cayucos Drive and E Streets. During preparation of the area plan update, some people suggested a time limit of

two hours. In order to establish the parking limits, County staff would need to evaluate the specifics, and the Board of Supervisors would need to approve an ordinance.

- **Page 5-17, B Street improvements:** To our knowledge, no fees have been collected for improvements to B Street. However, in connection with the adjacent residential development approved several years ago, the County holds a bond for the ordinance-required partial pavement of B Street between Ash Avenue and the alley, together with a curb and gutter. Those improvements would not occur until a solution is provided to the area's drainage concerns, which would probably include relocating the existing drainage ditches. Concerns about possible wetlands would also need to be addressed.
- **Page 5-20, coastal access at 2886 Studio Dr.:** After discussing this matter with our County Counsel and reviewing relevant documents, we found that the loss of potential coastal access at this location was due to a quiet title action. The quiet title action was predicated on the fact that a 16-foot wide way was dedicated by subdivision map in 1930, but was not officially accepted by the Board of Supervisors until after the 25-year statutory limit for accepting such offers expired. Furthermore, County staff determined that due to the steep bluff at this location, development of a coastal access would not be practicable (County Counsel believes that Coastal Commission staff would have been contacted at the time to obtain their comments on potential coastal access at this location). As a result, the Board of Supervisors adopted a resolution in 1997 (attached) authorizing the quitclaim of the 16-foot wide way to the adjacent property owner (quitclaim deed attached) in return for \$45,000 to be used for improvement for public use of another 16-foot beach access from Studio Drive. We continue to believe that as court actions, especially when no land uses or other "development" are requested, quiet title actions are not subject to Coastal Development Permit requirements.
- **1.8-acre property adjacent to Cayucos Creek:** This property is currently vacant. We are not aware of any historic use of this site by the public to access the shoreline, which is located at the base of a steep bluff. Proposed commercial or residential development would need to comply with LCP standards for coastal access, including lateral access. However, visitor-serving commercial uses are more conducive to incorporating into their design public access along the top of the bluff than are residential uses.

I apologize for the error in your copy of Figure 28 and Detail Map M10, which do not show this site in Recreation category as approved by the Board of Supervisors. Apparently, the handwritten changes were not made on your copy. On Figure 28, this site should be labeled "REC," not "RMF," and on Detail Map M10, the proposed change on site No. 10 should read "CR to REC."

Detail maps are enclosed for the properties on Map M10 with recommended changes. Proposed change #1 is a "clean-up" that changes the land use category map from Recreation to Commercial Retail on the westernmost 25-foot lot of the three lots under the same ownership. The change reflects the existing private commercial use of the site. The Recreation category is instead intended to apply to the surrounding public property: the Veterans Memorial Building, parking area and shoreline. The site of proposed change #2 is developed with a small deli and a single family residence. The site of proposed change #9 is developed with dwellings, but the southeast corner of Cayucos Drive and Ash Avenue is vacant.

- **California Coastal Trail:** Proposed trail corridors are included in the enclosed CD of the August 2006 draft of the *Coastal Access Procedural Guide*. This draft was just recently reviewed by the County Parks and Recreation Commission, and the final document should be available in about two weeks.

## 2. Recreation

- **Coastal recreation opportunities in Cayucos:** The land use category of the 1.8-acre property adjacent to Cayucos Creek is to be changed from Commercial Retail to Recreation, subject to the limitations on use and residential density in Recreation standard A.
- **Little Cayucos Creek:** Enclosed are more detailed land use category maps showing the areas (in green) along Little Cayucos Creek where the land use categories would be changed from Recreation to correspond to the existing, adjacent land use categories of the lots that abut the creek (RMF, CR, O/P, and PF). Existing uses are primarily the yards of residences, and some commercial uses. They are shown on the enclosed aerial photo. The aerial photo also shows that the creek has an established riparian corridor, and biological studies prepared in connection with proposed development in locations along the creek confirm the biological value of that corridor. As examples, enclosed are excerpts from two Negative Declarations for proposed development along the creek that discuss biological resources. The property shown on Detail Map 5, Map M16 is included in proposed map change #6 on Map M12, but map change #6 also includes the properties on the west side of the creek.
- **Page 7-35, condominium hotels in Cayucos:** We do not have the detailed studies you request that evaluate the demand and supply of overnight accommodations by type and cost, the supply of accommodations in relation to current and projected demand and the supply and demand of lower-cost visitor accommodations. However, it is known that the vacancy rate for overnight lodging in Cayucos is high in the peak summer season, and quite low during much of the rest of the year. We do not believe that the additional mitigation measures that you suggest for condominium hotels, including contributions to funding lower-cost visitor accommodations, are needed. The impact of condominium hotels on visitor-serving opportunities should be minimal, because existing CZLUO Section 23.08.264 includes safeguards to protect visitor-serving opportunities, as discussed in our January 11, 2007 letter. Moreover, development of or conversion to condominium hotels or motels could actually *increase* visitor-serving activity by increasing occupancy rates during the normally low off-season, thus bringing more visitors to the community and the coast during that period.
- **Page 7-39, Figure 7-14:** A more legible copy of this figure is enclosed.
- **Page 7-56, mixed-use development in the Cayucos central business district:** The proposed cap of 96 units in the central business district was determined by evaluating the potential for new mixed-use development on vacant or underdeveloped lots, allowing a reasonable potential for new mixed-use development, considering the roughly 50 (probably closer to 60 now) existing residential units in the area. Another consideration was the total buildout for the community. Additional mixed-use development in the central business district would not significantly reduce the inventory of commercial property in the area, because proposed standards limit residential development to the upper floors only (where

retail commercial uses are less desirable) and prohibit converting transient lodging to residential uses. In addition, before a residential mixed-use project can be approved, the review authority must first find that development will not remove or convert existing lower-cost visitor-serving or recreational facilities unless replaced by a comparable.

### 3. Marine Environment

- **Page 7-45, seawalls:** Proposed remodeling of existing development that represents less than 75% of replacement cost is subject to existing LCP policies and standards that limit shoreline structures to projects necessary to protect existing development.

### 4. Land Resources

- **Page 6-2, biological resources:** A copy of the *Environmental Constraints Analysis* prepared for the area plan update is enclosed. It did not identify major areas of native grasslands, although native species of grass may occur in scattered locations throughout the planning area and infrequently as part of the non-native grassland associations. However, the Constraints Analysis does state that three limited areas of valley needlegrass grassland communities occur in and near Montana de Oro State Park. Those areas could be included in an SRA combining designation; however, the area northeast of Valencia Peak appears to be outside of the Estero Planning Area.
- **Page 6-12, Cayucos Monarch Butterfly Habitat SRA:** The area affected by proposed change #5 on Map M16 corresponds to the overwintering site and associated habitat for the Monarch butterfly. These parcels were identified as containing important habitat in a report submitted by a qualified butterfly biologist.
- **Map change M1:** Enclosed are aerial photos of the 26 and 22-acre sites showing soils capability and existing and adjacent land uses, descriptions of the soils capability ratings, including slope categories, and a table showing estimated gross rangeland values for the past five years. The tables show theoretical estimates of gross rangeland lease values, based on county averages (assumes 6-10 acres per animal). As you can see from the tables and aerial photos, both sites consist of non-prime soils with soils capability ratings of Class VI and VII, and slopes that range from moderate to very steep. In addition, the 22-acre site is almost entirely covered by vegetation.

The 22-acre site currently has no agricultural production potential based on the vegetative cover. Furthermore, if the vegetation was removed and the site improved for rangeland, it would be poorly suited for rangeland. Likewise, much of the larger ownership appears to be poorly suited for grazing. On that basis, it is evident that these non-prime lands are not suitable for agricultural use per Section 30242 of the Coastal Act. Nevertheless, the enclosed table includes gross rangeland values if grazing were to occur on the 22-acre site.

We do not have specific information that could confirm agricultural production over the past five years on the 26-acre site. However, estimated gross rangeland values are included in the enclosed tables based on county averages. They range from about \$1,300.00 to \$2700.00 for 2006. Considering those gross values, the fact that 26 acres is too small to support a grazing operation (the minimum parcel size ranges from 160 acres on Class VI soils to 320 acres for existing grazing uses, and the fact that the 26-acre site is part of a

larger ownership, the remainder of which is zoned Rural Lands outside the coastal zone, this non-prime land is also not suitable for agricultural use per Section 30242 of the Coastal Act.

## 5. Development

- **Pages 7-15, 7-19, 7-20, visual standards:**

### *Irish Hills Scenic Backdrop*

The County General Plan identifies Los Osos Valley Road between Foothill Road and Clark Valley Road as a potential scenic corridor. The Irish Hills Scenic Backdrop was established to protect the very scenic views of this area, as well as important plant and animal habitat and watershed resources. The Scenic Backdrop is an extension of an existing viewshed area in the San Luis Obispo Planning Area to the east. The northern boundary follows a contour line that is an extension of the boundary in the San Luis Obispo Planning Area. It roughly corresponds to the slope break, and in some areas, the vegetation line. The southern boundary is the ridgeline. The eastern boundary is the San Luis Obispo Planning Area boundary, and the western boundary is Clark Valley Road, consistent with the County General Plan.

### *Highway 1-Cayucos Critical Viewshed*

This viewshed establishes standards to protect the highly scenic views in this rural portion of the Highway 1 corridor that currently lacks such special standards. Other rural portions of the corridor already have standards in place, for example, the Morros area and the area on the ocean side of Highway 1 north of Cayucos. However, the rural area on the inland side of Highway 1, extending from the city of Morro Bay north and west to the planning area boundary, provides a relatively pristine scenic backdrop to views of the bay and coastline that merits special protection. The white areas in Figure 7-8 are those that are not visible, based on a visual analysis. The proposed visual standards in CZLUO Section 23.04.210 (refer to Section 3 of Exhibit G970022X:D at the back of the area plan document) apply to development that is visible from the shoreline and public beaches, as well as from the applicable road--Highway 1 in this case.

- **Pages 3-10, 3-11, 3-12, and 3-13, Cayucos water supply:** Water consumption and housing occupancy data are included in the enclosed *2002 Water Management Plan Update* prepared by Boyle Engineering Corporation in September 2003.

There is some information on retrofitting in Cayucos, based on a voluntary retrofit program that began in early 1998 within the area served by County Service Area (CSA) 10A in the southern part of the community. CSA 10A served about 650 dwellings, 325 of which were retrofitted at the expense of those wishing to build new houses. Based on an empirical study of a sample of the retrofitted homes, total water savings was 10 percent, in addition to offsetting the estimated water use of the new dwellings. The pool of available houses to retrofit will probably continue to shrink as homeowners continue to replace older fixtures with newer water saving appliances. In parts of Cayucos served by other water purveyors, there may be additional potential for retrofitting. At one time, there may have been a retrofitting program within in the Paso Robles Beach Water Company service area, but we do not have information on that at this time.



Jonathan Bishop  
Page 7  
June 22, 2007

Please contact us if you have any questions that you need answered in order to prepare your staff report for the August Commission agenda. We look forward to working closely with you in order to resolve outstanding issues and to move the update forward in as timely a manner as possible.

Sincerely,



Mike Wulkan  
Supervising Planner

Enclosures:

Aerial photo and topographic/slope map: Gilbert Avenue  
*North Coast Circulation Study, Final Report*, February 1992  
Resolution and quitclaim deed regarding 2886 Studio Drive  
Detail maps for properties on Map M10  
CD: *Coastal Access Procedural Guide*, 2006  
Aerial photo, detail maps and excerpts from Negative Declarations for development: Little Cayucos Creek  
Figure 7-14  
*Environmental Constraints Analysis*  
Aerial photos, soils capability ratings, and estimated gross rangeland values: map change #1  
*2002 Water Management Plan Update*, September 2003  
*Draft Estero Area Plan and Alternatives: Economic Analysis*, January 2000  
*Plan Alternatives, Land Use Alternatives to the Draft Estero Area Plan*, January 1998  
*Appendix, Plan Alternatives: Land Use Alternatives to the Draft Estero Area Plan*, December 1997  
*Estero Area Plan Update, Requested Amendments, Public Review Draft*, December 1997  
*Estero Area Plan Update, Population, Economy & Fiscal Impacts*, December 1994  
*Estero Area Plan Update, Cayucos Fringe Land Use Survey, Buildout & Population Projections*, November 1994  
*Estero Area Plan Update, Service Level Survey*, August 1994  
*Estero Area Plan Update, Land Use Survey & Buildout Projections*, June 1994  
*Estero Area Plan Update, Population Characteristics*, June 1994  
*Estero Area Plan Update, Cayucos Issues Report #1 and Response to Comments*, January 1995  
*Estero Area Plan Update, Cayucos Issues Report #2 and Response to Comments*, March 1995  
*Estero Area Plan Update, Cayucos Issues Report #3*, May 1995  
*Estero Area Plan Update, Cayucos Issues Report #4, Cayucos Hillsides*, January 1996

**RECEIVED**

JUN 24 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREAFORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**RECEIVED**

JUN 19 2008

CALIFORNIA  
COASTAL COMMISSION

Date and time of communication:

6-19-08

Location of communication:

SLO County Gov. Center(If communication was sent by mail or  
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication:

Tony Oster Robert Spradlin & Blazie

Ed: TINA Baxter

Identity of person(s) receiving communication:

Commissioner ACHAO-IZAN

Name or description of project:

Estero Area plan

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

Map of area. seems for rezoning of small area into  
low density residential. be able to split lot between two owners  
38 acres of ag land not suitable for ag - hill side rocky etc.will wait till staff report is out and request another meeting6-19-08  
Date  
Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2