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**Prepared May 21, 2009 (for June 10, 2009 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
 Jonathan Bishop, Coastal Planner

**Subject: San Luis Obispo County Major Amendment Number 2-07 Part 2 (Framework for Planning).** Proposed major amendment to San Luis Obispo County's certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's June 10, 2009 meeting to take place at the Marina del Rey Hotel at 13534 Bali Way in Marina del Rey.

## Summary

San Luis Obispo County is proposing to amend the Framework for Planning portion of its Local Coastal Program (LCP) Land Use Plan (LUP) to correctly reference the Parks and Recreation Element (PRE) instead of the County's Parks Plan, Parks and Recreation Master Plan and/or Trails Plan, none of which are part of the LCP. These latter three plans are old and outdated plans that have since been replaced by the PRE. The amendment is a simple text change and is not intended to incorporate the PRE into the LCP. Rather, the LCP would simply be modified to reference the PRE in a similar manner as it currently does the outdated plans. The proposed text change, however, is unclear and could be interpreted to mean that the PRE is part of the certified LCP. Accordingly, staff recommends modifications to ensure that: 1) the PRE is not incorporated by reference into the LCP, and; 2) the PRE is not to be applied as a standard of review for development in the coastal zone. With these modifications, staff recommends that the Commission find the proposed amendment consistent with the Coastal Act.

**LCP Amendment Action Deadline:** This proposed LCP amendment was filed as complete on July 16, 2008. The proposed amendment affects the LUP, and the original 90-day action deadline was October 14, 2008. On September 11, 2008, the Commission extended the action deadline by one year to October 14, 2009. Thus, the Commission has until October 14, 2009 to take a final action on this LCP amendment.

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## I. Staff Recommendation – Motion and Resolution

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

### 1. Denial of Land Use Plan Major Amendment Number 2-07 Part 2 as Submitted

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 passes only by an affirmative vote of a majority of the appointed Commissioners.

**Motion (1 of 2).** I move that the Commission **certify** Land Use Plan Major Amendment 2-07 Part 2 as submitted by Santa Luis Obispo County.

**Resolution to Deny Land Use Plan as Submitted.** The Commission hereby denies certification of the Land Use Plan Major Amendment 2-07 Part 2 as submitted by San Luis Obispo County 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.

### 2. Approval of Land Use Plan Major Amendment Number 2-07 Part 2 if Modified

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.

**Motion (2 of 2).** I move that the Commission **certify** Land Use Plan Major Amendment 2-07 Part 2 if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby certifies Land Use Plan Major Amendment 2-07 Part 2 to the San Luis Obispo County Local Coastal Program 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 hereby 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 the suggested modifications within six months of Commission action (i.e., by December 10, 2009), by formal resolution of the Board of Supervisors, the modified 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.

### 1. Modify LUP Framework for Planning text on page 7-16 as follows:

...

#### Public Parks and Recreation Areas

The county adopted a Parks and Recreation Element, which contains detailed data, goals and policies for general park development. The Land Use Element and Local Coastal Plan ~~uses~~ may use policies from the Parks and Recreation Element ~~for~~ to help inform parkland and recreation planning and ~~for~~ land dedications with new subdivisions, but the Parks and Recreation Element is not part of the Local Coastal Plan and cannot be used as a standard of review for development in the coastal zone.

## III. Findings and Declarations

The Commission finds and declares as follows:

### A. Description of Proposed LCP Amendment

San Luis Obispo County is proposing to amend the Framework for Planning portion of its Local Coastal Program (LCP) Land Use Plan (LUP) to correctly reference the Parks and Recreation Element (PRE) instead of the Parks Plan, Parks and Recreation Master Plan and/or Trails Plan, none of which are part of the LCP. These latter three plans are old and outdated plans that have since been replaced by the PRE. The amendment is not intended to incorporate the PRE into the LCP. Rather, the LCP would simply be



modified to reference the PRE in a similar manner as it currently does the outdated plans. Other outdated text no longer relevant to parks and recreation planning in the County would also be deleted from the LCP (see Exhibit A for proposed LCP text changes).

## B. Consistency Analysis

### 1. Standard of Review

The proposed amendment affects the Framework for Planning portion of the LUP of the San Luis Obispo County LCP. The standard of review for the LUP amendment is that it must be consistent with and adequate to carry out the Coastal Act.

### 2. LUP Amendment Consistency Analysis

#### A. Applicable Coastal Act Policies

Because the proposed amendment deals with references to the County's Parks and Recreation Element, it could affect the way public access and recreation policies are applied to new developments in the coastal zone. Selected applicable Coastal Act policies include:

***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 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*

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

**Section 30252 (in relevant part):** *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, (3) providing non-automobile 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...*

**Section 30253(e):** *(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

## B. Analysis

The PRE, like the County's Parks Plan, Parks and Recreation Master Plan, and Trails Plan before it, provides data, goals, and policies regarding parks and recreation in the County, in and out of the coastal zone. Like these previous plans, though, it is not intended to be a part of the LCP, nor to somehow supersede LCP provisions in some way. Rather, the LCP includes detailed prescriptions for public recreational access in the County's coastal zone that are unaffected by the PRE. Although the PRE could conceivably be incorporated into the LCP at some point, the County is not proposing that now. More importantly, its inclusion is not necessary to ensure the LCP maximizes public recreational access consistent with the Coastal Act.

However, the proposed text change is unclear and could be interpreted to mean that the PRE is part of the LCP, and, by cross-reference, that it can be used as a standard of review for development in the coastal zone. This may cause confusion in the LCP document and has the potential to create conflicting standards for new development, ultimately making it difficult to carry out the public access and recreation provision of the Coastal Act. As with past LCP amendments submitted by the County, cross-references to standards of the County's General Plan that are not intended to be part of the certified LCP should be avoided.

Accordingly, modifications are necessary to ensure that: 1) the PRE is not incorporated by reference into



the LCP, and; 2) the PRE is not applied as a standard of review for development in the coastal zone. As modified, the Commission finds that the proposed LUP text changes can be found consistent with the above-cited policies of the Coastal Act.

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

The Coastal Commission's review process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed 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.

The County, acting as lead CEQA agency, prepared a Mitigated Negative Declaration for the proposed amendment. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



## **Amend Chapter 7 of Coastal Zone Framework for Planning of the county General Plan, page 7-20 as follows:**

### **Public Parks and Recreation Areas**

Parklands and recreation areas are designed to serve the permanent residents of the county, as well as the numerous tourists visiting the area. Public parks should be convenient and accessible as prominent land uses throughout the county and particularly within urban areas.

~~All existing public and private parks and recreational areas should be retained unless a suitable substitute can be provided. Wherever possible, neighborhood parks and playgrounds should be built in conjunction with public schools.~~

The county adopted a Parks and Recreation Element Master Plan on August 2, 1988, which contains detailed data, goals and policies for general park development. The Land Use Element and Local Coastal Plan utilizes the following uses policies from the Parks and Recreation Element Master Plan for parkland and recreation planning and for land dedications with new subdivisions:

### **Countywide Park System Goals, Objectives and Policies**

~~Goal:~~ To provide an adequate supply of local and regional parks to all San Luis Obispo County residents:

~~Objective 1:~~ To provide an adequate supply and equitable geographic distribution of regional and local-serving parks based on the existing and projected distribution of the county's population.

~~Objective 2:~~ To use the park and recreation and open space standards recommended by the National Recreation and Park Association (NRPA), as more fully set forth below, as a goal for establishing the need for additional parklands and facilities:

The following policies are related to public parks and recreation facilities and will allow the county to meet the above goal and objectives:

### **General County Park Policies**

- ~~1. The County Parks and Recreation Master Plan should be used as a guide for developing additional park facilities.~~
- ~~2. Any implementation of the County Parks and Recreation Master Plan shall be subject to the recognition of the economic, aesthetic and historical benefits of agricultural land use and shall not be applied to the detriment of such use.~~
- ~~3. The following parkland standards shall be used to evaluate the existing need for parkland and accommodate future population growth. Community Parks - 5.0 acres/Neighborhood Parks - 1.0 acres per 1,000 residents of the unincorporated portion of the county, Regional Parks - 20 acres per 1,000 residents. These calculations will exclude populations at Atascadero State Hospital, the California Men's Colony, the California Youth Authority and the County Jail. A portion of state parklands may be included to meet the standard for regional parks.~~
- ~~4. The County Land Use Element identifies existing and planned parks owned by federal, state, county or local agencies, locations proposed for future county parks are schematic, and may be located on any suitable lands in the general vicinity.~~

~~5. Parklands and recreational facilities may be acquired by the county by purchase negotiations, gifts, fees and through conditions placed on land use permits and subdivisions, the scope of such conditions shall bear a reasonable relationship to the nature and extent of such approvals.~~

~~As authorized by California Government Code Section 66477 (known as the Quimby Act), the county should enact an ordinance to require the dedication of land and/or the payment of fees in lieu thereof, or a combination of both, for park and recreational purposes as a condition to the approval of a tentative tract or parcel map for residential subdivisions.~~

~~6. The county should cooperate with cities and other government entities to provide regional and community parks for existing and future residents.~~

~~7. Development of recreation opportunities by the private sector shall be encouraged.~~

#### **Regional Parks Policies**

~~1. The primary purpose of regional parks shall be to serve county residents.~~

~~2. Community and/or neighborhood-serving recreation facilities may be provided in regional parks if needed.~~

#### **Community and Neighborhood Parks Policies**

~~1. The primary purpose for community and neighborhood parks shall be to serve the local residents of the area.~~

~~2. Park development shall be encouraged adjacent to Elementary, Junior and High Schools to benefit from shared use of land and facilities. A joint use program with local school districts should be pursued, where feasible, to develop necessary agreements for cost sharing arrangements for parks near schools and to develop the necessary agreements to cover park maintenance and operation.~~

**Parkland Definitions.** The following definitions are utilized by the Parks and Recreation Master Plan and by this Land Use Element and Local Coastal Plan for the various types of parklands found in the Coastal Zone of San Luis Obispo County. Table R describes standards for the classification of park facilities based on these definitions, which reflect the recommendations of the National Recreation and Parks Association (NRPA). These standards should be applied as guidelines since the NRPA recommends that, "... without expensive and extensive long-term research, there is no way to apply the standards in the same manner in all locations. The uniqueness of every village, town, city and county - with their differing socioeconomic, climatic, geographic and cultural characteristics - makes it almost impossible, and undesirable, to apply all of the standards in every community". Using these standards as a guide, new parks which may not necessarily meet the recommended park size may still be considered as valuable opportunities in working toward the overall goal of meeting park need.

**Federal Recreation Areas and State Parks** - provide the broad range of recreation opportunities described for regional parks (below), but are intended to serve national and statewide populations. Usage data permit a breakdown of the roles performed by federal and state facilities in San Luis Obispo County. No standard or criteria is applicable in Table R.



**Regional Parks** - provide a variety of passive and active recreation such as picnicking, boating, fishing, swimming, camping, bicycling and trail use. These facilities should be within a one-hour drive from urban areas. Park size ranges from 200 acres to over 1,000 acres. A recommended standard is 20 acres per 1,000 persons. Some existing regional county parks are smaller than 200 acres (such as Biddle Park).

**Community Parks** - are large enough (25+ acres) to serve all ages with a range of facilities. fields, courts, large play areas, group picnic areas, etc. Located reasonably close to population centers with a one to two mile service radius. Joint use with schools is recommended where feasible. The recommended standard is 5.0 acres per 1,000 persons. Many existing community county parks are smaller than 25 acres.

**Neighborhood Parks** - consist of five to 25 acres within a half mile walking radius of the neighborhood served. Parks are geared toward elementary school age children with a split between "park" (passive use such as picnicking) and "play" areas (swings, toddler, open turf multi-use area). Parks should be sited adjacent to schools for joint use programs. The recommended standard is one acre per 1,000 persons. Most existing neighborhood county parks are smaller than 10 acres.

**Mini-parks (Playlot, Vest Pocket Park, etc)** - refer to small areas used for open space or recreation by all age groups, depending on the needs of the neighborhood. They may include play apparatus, paved areas, sandpits, wading pools, or they may simply be planted in grass. Their size usually ranges from 2,500 square feet to 5 acres. The effective service radius varies although rarely more than the walking range of a pre-school child or about one-eighth mile.

**Miscellaneous.** These facilities are not specifically defined but are equally valuable to the county as bridle trails, jogging trails, linear parks and medians, greenbelts and rights-of-way.

**Park Site Selection:** Site selection for public parks for individual park acquisitions or as part of the Land Use Element update program should utilize the criteria in Table R:

TABLE R PARK SITE SELECTION STANDARDS					
Type of Park	Area/1,000 People	Size Range (Acres)	Radius of Service Area	Street	Population Served
Mini-Park	.5	.18-5	.12-.25 mile	local/coll	500 - 2,500
Neighborhood	1.0	5-25	.25-.5 mile	local/coll	to 5,000
Community	5.0	25+	1-2 mile	coll/art	5,000+
Regional	15-20	200+	within 1 hour driving time	coll/art	30,000+

SOURCE: Recreational, Park and Open Space Standards and Guidelines, National Park and Recreation Associates, 1983.