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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

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Filed: 10/05/95
49th Day: 11/23/95
180th Day: 04/02/96
Staff: SG-SC
Staff Report: 10/25/95 1719P
Hearing Date: 11/15/95
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: San Luis Obispo County

DECISION: Approved with Conditions, 9/19/95

APPEAL NO.: A-3-SLO-95-70

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION

PROJECT LOCATION: Highway One at Post Mile 61.3 to 63.0, north of Arroyo Laguna Creek and south of Piedras Blancas, north of the community of San Simeon, San Luis Obispo County, APNs: 011-221-015, and -026.

PROJECT DESCRIPTION: Realign a 1.7 mile stretch of Highway One by straightening portions of the highway and relocating portions up to 200 feet inland from the present alignment.

APPELLANTS: (1) W. Duane Waddell, (2) Department of Transportation, (3) Sierra Club c/o Mark Massara/Jesse Arnold, Deborah L.K. Barker, and Paul Schiro

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Local Coastal Program, Caltrans Route 1 Realignment Initial Study/Environmental Assessment, San Luis Obispo County Coastal Development Permit D940106D, Coastal Commission Coastal Development Permits 140-02 and 4-81-194.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, an appeal must be heard within 49 days from the date an appeal of a Coastal Development Permit issued pursuant to a certified Local Coastal Program is received. The first appeal of the above described decision was received in the Commission office and filed effective on October 5, 1995. While the 49th day falls after the Commission's November meeting, the applicant also has

SUMMARY OF STAFF RECOMMENDATION: (Continued)

applied to the Commission for an amendment to Commission coastal development permit 4-81-194.

That permit was issued by the Commission to Caltrans in 1982 for highway realignment just south of the currently proposed realignment, prior to certification of the County's LCP. That 1982 permit included the provision of two large turnouts capable of holding several dozen cars each which currently provide direct vertical and lateral access to beaches along that section of the highway. The amendment to that 1982 permit is being requested by Caltrans in order to comply with a condition of the appealed coastal development permit recently issued by San Luis Obispo County. That condition requires Caltrans to formalize two public accessways near the northerly end of the proposed realignment, where informal beach access now exists. It should be noted that currently the highway skirts the edge of the low ocean bluffs along the entire proposed realignment segment and that several informal turnouts are utilized by the public to gain access to the beaches below. The turnouts are utilized for sightseeing; small boat/kayak etc., launching and haulout; windsurfing access; and elephant seal viewing.

Caltrans does not own the highway right-of-way, but merely has an easement for the highway over Hearst Corporation property. The easement contains a reverter clause such that upon Caltrans' moving the road, the existing right-of-way reverts to the Hearst Corporation. If the road is realigned as proposed, it will be moved inland in several areas some 200 feet and direct access to the low bluffs and beaches along the entire 1.7 mile realignment will be eliminated by operation of the reverter clause and by proposed fencing and abandonment of the existing roadbed and right-of-way. Discussions among the County, public interest groups, and the Hearst Corporation indicated that the Hearst Corporation would be willing to grant access easements at the two sites near the northerly end of the realignment in exchange for the area now occupied by the southern turnout that was developed as a result of permit 4-81-194.

Caltrans application to amend coastal development permit 4-81-194 is incomplete and has not yet been filed; it cannot be scheduled for the November meeting. Since this appeal and the proposed amendment are intertwined, it is imperative that the Commission hear the two together and that staff has sufficient information to present the Commission with a report that adequately analyses the new proposal and the relationships to the original mitigated project.

In accordance with the section 13112 of the Commission's Administrative Regulations, on October 6, 1995, staff requested that the local government forward all relevant documents and materials regarding the subject permit. These documents had not yet been received at of the date of this report. Without the information from the County, it is not possible to prepare a staff report that adequately analyses the issues pertaining to these two proposals for the Commission. Given that the appeal and the amendment request are so intertwined that they must be heard together, that the administrative record from the County is not yet available, and that the amendment application is as yet incomplete, staff recommends that the Commission open and continue the substantial issue hearing until the next available meeting after staff receives the necessary information and can adequately analyse both projects.