

11/1/95

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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HEARING IMPAIRED: (415) 904-6200

RECORD PACKET COPY**W9a**

November 1, 1995

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
Steven Guiney, Coastal Program Analyst

SUBJECT: **SAN LUIS OBISPO COUNTY: LOCAL COASTAL PROGRAM**
MAJOR AMENDMENT NO. 3-95. For public hearing and Commission action
at its meeting of November 15, 1995, to be held at the Wyndham Hotel -
LAX, 6225 West Century Blvd., Los Angeles, 90045.

SYNOPSIS

When San Luis Obispo County was in the process of adopting its LCP, two privately owned parcels of land in the community of Los Osos adjacent to the then recently constructed Junior High School were redesignated to the Public Facilities land use category, in the expectation that the school district would purchase the properties. Those two parcels were never purchased by the school district and remain in private ownership. The county now proposes to redesignate the two properties to the Residential Suburban land use category, the same category as the properties across El Morro Avenue.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed change in land use category designation as submitted by the County for the reasons given in this report.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a 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 and LCP incorporates and refines the 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 out the various zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act.

San Luis Obispo County's LCP is composed of several parts, including the Estero Area Plan, which is proposed to be amended here and which is a part of the LUP. Typically, an amendment proposed to the land use map would also require a concomitant amendment of the zoning map. San Luis Obispo County, however, does not operate under the more typical "two-map" system, but operates under a "single-map" system where there is only one map which combines both the land use designation and the zoning into one system. Therefore, there is no proposed zoning change to accompany the proposed land use designation change. In order to approve the County's proposed land use designation change, the Commission must find that the proposed change is consistent with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steven Guiney or Les Strnad, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

EXHIBITS

1. Resolution No. 95-321, San Luis Obispo County
 2. Ordinance No. 2727, San Luis Obispo County
 3. Text of amendment and map of properties
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I. STAFF RECOMMENDATION

MOTION AND RESOLUTION

APPROVAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION :

"I move that the Commission certify amendment # 3-95 to the County of San Luis Obispo Land Use Plan as submitted by the County."

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

RESOLUTION:

The Commission hereby certifies the amendment to the Land Use Plan of the County of San Luis Obispo as submitted for the specific reasons discussed in the recommended findings on the grounds that, as submitted, the amendment and the LUP as thereby amended meet the requirements of the coastal act. The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. RECOMMENDED FINDINGS

The Commission finds and declares the following for amendment # 3-95:

A. Amendment Description: Please see the Exhibits for the text of the amendment proposal as well as a map showing the subject parcels. This amendment proposes to redesignate two parcels totaling 5.12 acres from the Public Facilities land use category to the Residential Suburban land use category. The two subject parcels lie in the unincorporated community of Baywood Park-Los Osos on the south side of El Morro Avenue at its easterly end about 250 yards east of South Bay Boulevard. On the west, the western parcel abuts Los Osos Junior High School, which carries a Public Facilities land use designation. Across El Morro Avenue to the north are parcels designated Residential Suburban, while to the south and east are lands designated Rural Residential. These latter lands slope down to Los Osos Creek some 250 yards to the east of the subject parcels.

According to the County staff report, this amendment request stems from an action the County took in 1980:

"This area was re-mapped as part of the adoption of the Land Use Element/Land Use Ordinance in 1980. At that time, the school district had expressed interest in purchasing the land adjacent to the newly constructed Junior High School. However, these two remaining properties were not used or purchased by the school district. The county is now requesting that the properties be changed to Residential Suburban (which is the land use category located directly north of the subject properties) to reflect that the properties are under private ownership and are not being used as a school site."

B. Analysis of Proposed Change: As mentioned on page 2 of this report, San Luis Obispo County operates under a "single-map" system where there is only one map which combines both the land use designation and the zoning into one map system. Therefore, there is no proposed zoning change to accompany the proposed land use designation change.

Under the existing Public Facilities designation, there could be a variety of public uses on the subject sites, including expansion of the adjacent school. The Public Facilities land use

category could allow a range of uses from passive recreation park lands to police stations to schools to power plants. While there is no way to know exactly what might be developed on the parcels if they were left in the Public Facilities category, it does not appear that the change to the Residential Suburban category will allow for any greater intensity of use than that allowed in the Public Facilities category. For example, if the adjacent school were expanded to encompass the two subject parcels, there would most likely be either an increase in the buildings for additional classrooms or an increase in playfields. The former would result in an intense use of the site with additional vehicle trips, more water use and increased on-site sewage disposal. The latter would mean additional fertilizer, pesticide, etc., use on the site. Similar, but less intense, impacts could occur if the site's land use designation is changed as proposed by the County to allow for residential development. For example, two single family residences would generate additional vehicle trips and landscaping would likely involve fertilizer and pesticide applications. However, it is unlikely that the intensity of the use would be nearly as great from residential development as from public facility development.

The County received a letter from a community resident suggesting that the site designation not be changed and that the County purchase the property for use as a public park. While this could be an option for the County, there is no Coastal Act basis to require the County to do as the letter writer suggested, as long as coastal resources are protected.

According to the county's reports the site has the potential to contain sensitive wildlife, plant, and archeological resources. "The subject property is located immediately south of a site determined to be within the Santa Ysabel Essential Habitat area for the endangered Morro Bay kangaroo rat (MBKR). This species is listed as endangered by both the Federal and State governments." According to the County, the US Fish and Wildlife Service was contacted for input regarding the proposed amendment but had no comment. Also, the County determined that "Several special status plant species are known to occur in the project area, including the state endangered Indian Knob mountain balm (*Eriodictyon altissimum*) and the threatened Morro Bay manzanita (*Arctostaphylos morroensis*). Finally, the county determined that "The subject property is within an archaeologically sensitive area." Any development on these parcels, whether residential or some sort of public facility has the potential to adversely affect the identified coastal resources. However, for all of these potential sensitive resources, the County has proposed standards within the Estero Area Plan that would require further, in-depth investigation when development is proposed on the parcels and development of appropriate mitigation measures and adherence with all applicable regulations of the State and Federal Endangered Species Acts. As the County noted, mitigations may include fencing, limits on site disturbance, landscaping requirements, etc.

Besides the change to the land use map, the county's submittal also includes additions to the South Bay Urban Area Standards in the Estero Area Plan relating to minimum parcel size; permit requirements; and biological, botanical, and archeological resources.

The County's proposed standards would require a minimum parcel size of five acres for new land divisions of these two parcels. Together, the two parcels total approximately 5.12 acres. The effect of the proposed minimum parcel size would be to prohibit future divisions of the subject parcels into smaller ones. The density of development allowed by the Residential Suburban land use category is limited to one single family dwelling and one secondary dwelling unit on each of the two parcels. The proposed change will likely result in the construction of two

single family dwellings, one on each parcel, with the possibility for one secondary dwelling unit on each parcel.

Under the proposed standards, all uses would require approval of a minor use permit (discretionary coastal development permit). In addition, at the time of a land use permit application, the applicant would be required to provide biological and botanical surveys and provide for sub-surface testing by a qualified archeologist.

Therefore, it appears that the proposed change will not have any adverse effects on coastal resources.

C. Applicable Coastal Act Policies and Conclusion

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.

Section 30244: Where development would adversely impact archeological or paleontological resources as identified by the state Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30250(a): New residential . . . development . . . shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it

As discussed above, the subject site is adjacent to habitat for the endangered Morro Bay kangaroo rat and is in an area where the endangered Indian Knob mountain balm (*Eriodictyon altissimum*) and the threatened Morro Bay manzanita (*Arctostaphylos morroensis*) are found. Additionally, the site is within an archeologically sensitive area.

The County has proposed standards that would address each of these concerns (please see Exhibit 3 for the entire text of the proposed standards). Those standards would require an applicant for a land use permit for development on the site to provide a biological survey and a botanical survey conducted by a qualified wildlife biologist and botanist, respectively, to determine whether any special status animal or plant species exist on the site, to identify and implement mitigation measures as necessary, and to comply with all applicable State and Federal laws regarding such special status species. The applicant would also have to arrange for sub-surface testing of the site for archeological resources by a qualified archeologist and implement any necessary mitigation measures as determined by the archeologist and the County Environmental Coordinator. Thus any development on the site may face more or less severe restrictions, depending on the results of the biological and botanical surveys, coupled with input from the US Fish and Wildlife Service regarding potential impacts and mitigations to the on-site and off-site habitat, and the sub-surface testing.

The site, if developed now, would be served by public water and would have on-site sewage disposal. The County is currently working to develop a public sewage collection and disposal system so that in the near future the subject parcels will be served by public water and sewage

disposal. With either on-site or public sewage disposal, any development proposal will have to meet all requirements for sewage disposal and water service. No new roads would have to be extended to the parcels and utilities already extend to the school adjacent to the subject parcels. The subject parcels are in a developed area. Based on the foregoing, the amendment proposal is consistent with coastal act sections 30240(b), 30244, and 30250(a).

D. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. Maintaining the parcels, which are privately owned, in the Public Facilities land use category is not a *feasible* alternative unless the County were to purchase the property. The County approved a negative declaration for the amendment finding that, with the proposed mitigation measures, the change would not result in harm to the environment. The findings in this report are consistent with the County's environmental analysis. Approval of the amendment changing the land use designation on the two privately owned subject parcels from Public Facilities to Residential Suburban will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

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

12
--Tues-- day --August-- 15-----, 19--95--

PRESENT: Supervisors Harry L. Ovitt, Laurence L. Laurent, Evelyn Delany, Ruth E. Brackett, and Chairperson David Blakely

ABSENT: None

RESOLUTION NO. 95-321

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LAND USE ELEMENT AND LOCAL COASTAL PLAN, TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE SAN LUIS OBISPO COUNTY COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE", AND APPROVE AND CERTIFY ENVIRONMENTAL DOCUMENTS

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 a public hearing on July 13, 1995, did recommend amendments to the Land Use Element and Local Coastal Plan and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code, and adopted a resolution recommending said amendment; and

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 fifteenth day of August, 1995, that the Land Use Element and 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, Coastal Zone Land Use Element/Local Coastal Plan, Estero Area Plan, Chapter 8 "Planning Area Standards," Pages 8-38, South Bay Urban Area Standards as appears on Exhibit G940002P:A which is attached hereto and incorporated herein as though fully set forth; 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 and Local Coastal Plan, Estero Area Plan, official maps as such amendment appears on Exhibit G940002P:B attached hereto and incorporated herein as though fully set forth; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.
3. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto.

CD-34

EXHIBIT 1
SLO BCPA 3-95

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits G940002P:A and B shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgement by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that the environmental document for the above enacted amendments be approved and certified as follows:

Regarding the amendments which were processed on the basis of proposed negative declarations, the Board of Supervisors considered those proposed negative declarations together with any comments received during the public review process prior to approving the project. Further, the Board of Supervisors hereby approved those negative declarations since on the basis of the initial study and comments received for each negative declaration, there is no substantial evidence that any of the projects will have a significant effect on the environment.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinance No. 2727, said date being 8/15/, 1995.

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

AYES: Supervisor Laurent, Delany, Ovitt, Brackett, Chairperson Blakely

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

DAVID BLAKELY

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: CHERIE AISPUHO Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Dated: 7-21-95

STATE OF CALIFORNIA)	
COUNTY OF SAN LUIS OBISPO) ss	
I, JULIE L. RODEWALD, County Clerk of the above	
County, and Ex-Officio Clerk of the Board of	
Supervisors, do hereby certify the foregoing to	
be a true and correct copy as the same appears in the	
minutes of said Board of Supervisors, and now remain-	
ing of record on my files.	
Witness, my hand and seal of said Board of Supervi-	
sors this <u>30</u> day of <u>Aug</u>	
19 <u>95</u> .	
JULIE L. RODEWALD	
County Clerk and Ex-Officio Clerk	
of the Board of Supervisors	
By: <u>[Signature]</u>	Deputy Clerk

EXHIBIT

1

SLC LCPA 3-95

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE
SAN LUIS OBISPO COUNTY COASTAL ZONE
LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: The amendments to the text of Parts I and II of the Land Use Element of the San Luis Obispo County General Plan and the amendments to the official Land Use Element maps adopted by Board of Supervisors Resolution No. 95- 321 are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 2: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one of more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 4: Section 1 of this ordinance shall become operative immediately only upon approval without any modifications by the California Coastal Commission and upon acknowledgement by the San Luis Obispo Board of Supervisors of receipt of the Commission's resolution of certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on the 15th day of August, 1995, by the following roll call vote, to wit:

AYES: Supervisor Laurence L. Laurent, Evelyn Delany, Harry L. Ovitt, Ruth E. Brackett
and Chairperson David Blakely

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

DAVID BLAKELY

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

EXHIBIT 2

SLO LCRA 3-95

13
15
A

ATTEST:

Julie L. Rodewald

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

BY:  Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

By: 

Deputy County Counsel

Dated: 7.21.95

ordcz.gpa

EXHIBIT 2
SLO LCRA 3-95

EXHIBIT G940002P:A

Amend the Estero Area Plan of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan as follows:

- A. Page 8-38, South Bay Urban Area Standards, add the following **RESIDENTIAL SUBURBAN** Standard No. 15, 16 and 17 as follows:

El Morro Ave. East of South Bay Blvd. The following standards apply to 1995 Assessor Parcel Numbers 038-721-005 and 014 located on El Morro Ave, east of South Bay Blvd. as shown in Figure 8-7:

15. Parcel Size. The minimum parcel size for new land divisions is five acres, unless a larger minimum parcel size is otherwise required by Coastal Zone Land Use Ordinance Section 23.04.027, et seq.

16. Permit Requirements. Minor Use Permit approval is required for all uses.

17. Development Standards. The following standards apply to all properties as shown on Figure 8-7:

Biological Resources. At the time of land use permit application, the applicant shall provide a biological survey performed by a qualified biologist which addresses the potential for occurrence of any special status plant species, including the Indian Knob mountain balm and the Morro Bay manzanita, on the project site. The applicant shall implement the recommendations of the wildlife biologist as determined appropriate by the Environmental Coordinator. In addition, the property is required to comply with all provisions of the Federal and State Endangered Species Act.

- b. **Botanical Resources.** At the time of land use permit application, the applicant shall provide a botanical survey performed by a qualified botanist which addresses the potential for occurrence of any special status plant species, including the Indian Knob mountain balm and the Morro Bay manzanita, on the project site. The applicant shall implement the recommendations of the botanist as determined appropriate by the Environmental Coordinator.

Archaeological Resources. At the time of land use permit application, the applicant shall provide an archaeological survey conducted by a qualified archaeologist in order to determine the significance of any archaeological resources on the project site. The applicant shall implement the recommendations of the archaeologist as determined appropriate by the Environmental Coordinator.

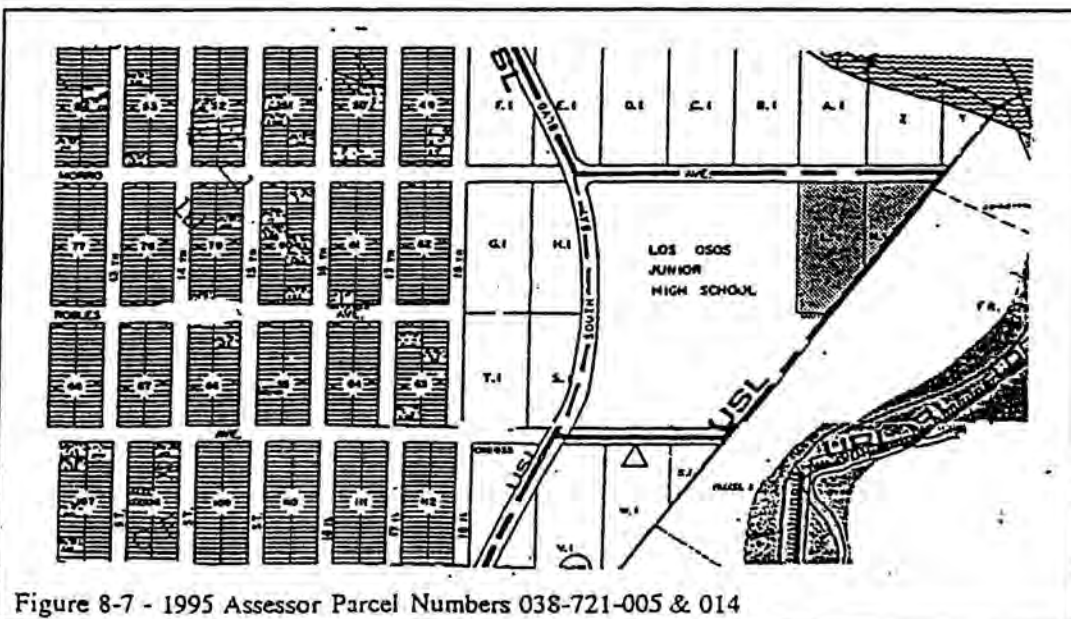
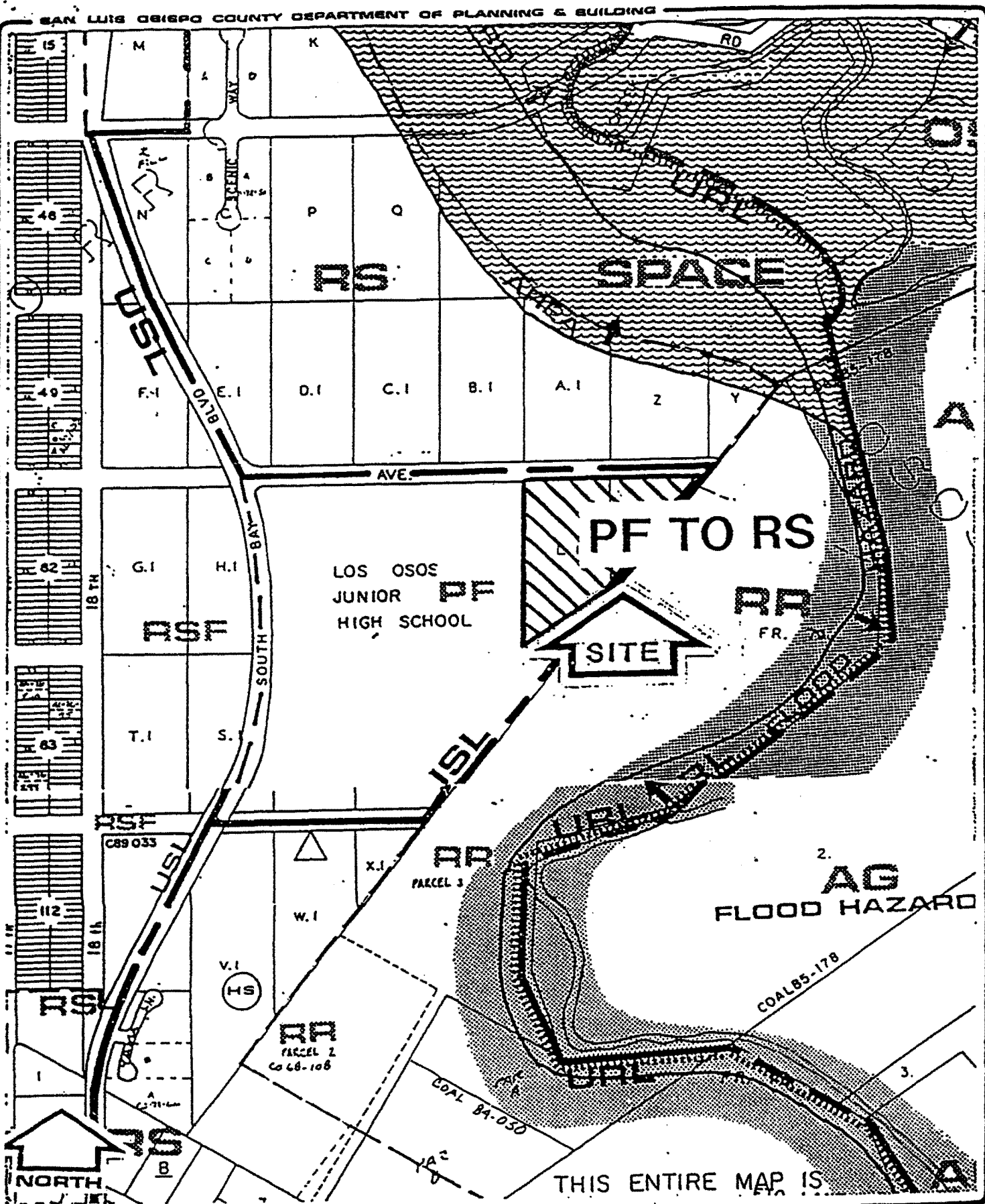


EXHIBIT 3
SLO LCPA 3-95



THIS ENTIRE MAP IS

EXHIBIT 3 SLO LCDA 3-95

PROJECT
GENERAL PLAN AMENDMENT



EXHIBIT G940002P:B

INITIATING A PRECISE LAND USE DESIGNATION
AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP
ON FILE IN THE DEPT. OF PLANNING AND BUILDING