

**CALIFORNIA COASTAL COMMISSION**  
 CENTRAL COAST AREA OFFICE  
 725 FRONT STREET, STE. 300  
 SANTA CRUZ, CA 95060  
 (408) 427-4863  
 HEARING IMPAIRED: (415) 904-5200

Filed: 04/11/96  
 49th Day:  
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 Staff: DSL/cm  
 Staff Report: 03/27/96  
 Hearing Date: 04/11/96  
 Hearing Date for  
 Revised Findings: 07/11/96 1810P  
 Commission Action:



REVISED FINDINGS

*DM*  
*6/26/96*

STAFF REPORT: PERMIT AMENDMENT

COMMISSIONERS ELIGIBLE TO VOTE ON THE REVISED FINDINGS: Rick, Calcagno, Staffel, Flemming

APPLICATION NO.: 4-81-194-A

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

AGENT: Aileen Loe, Chief, Office of Environmental Management

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Re-alignment of 1 mile of Highway One to a maximum of 200 feet inland from .1 mile north of Arroyo Laguna Creek Bridge to 1.4 miles north of the bridge, approx. 2 miles north of the village of San Simeon, San Luis Obispo County. Project approved also included the improvement of two vista point/shoreline accesses with total parking for a maximum of 160 cars, and placement of fencing which provides for pedestrian shoreline access.

DESCRIPTION OF AMENDMENT: Exchange of Vista Point One (approx. 3.5 acres, parking for approx. 80 cars, shoreline access) located on the west side of Highway One, 2.5 miles from San Simeon.

LOCAL APPROVALS RECEIVED: None, but request is related to a suggestion in a condition imposed on CDP D940106D approved by San Luis Obispo County on September 19, 1995.

SUBSTANTIVE FILE DOCUMENTS:

- o Amendment Application, October 2, 1995
- o San Luis Obispo County CDP D940106D.
- o Appeal A-3-SLO-95-70 filed 10/05/95.
- o San Luis Obispo Certified Local Coastal Program.
- o Coastal Commission Determination to Accept the Caltrans proposed Amendment to CDP 4-81-194.
- o Transcript of April 11, 1996 Commission Hearing regarding Agenda Items TH3, TH4a, TH5

MOTIONS AND RESOLUTION:

Motion

"I move that the eligible Commissioners approve the revised findings for the amendment to Coastal Development Permit 4-81-194 as proposed by the applicant."

RESOLUTION:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the local government's Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

COMMISSIONERS ELIGIBLE TO VOTE ON THE REVISED FINDINGS: Rick, Calcagno, Staffel, Flemming

A majority vote of the eligible is needed to approve the revised findings.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. PROJECT DESCRIPTION AND BACKGROUND

PROJECT DESCRIPTION: On October 2, 1995, Caltrans submitted an application to amend Coastal Development Permit 4-81-194, a Highway One re-alignment project approved by the Commission in January of 1982. The amendment proposes the abandonment of an approx. 3.5 acre Vista Point/Shoreline access (Vista Point One) located adjacent to the sea, west of Highway One and 2.5 miles north of the village of San Simeon (Please see Exhibit A, Location Map). The Vista Point contains a parking area adequate for eighty cars and a trailhead which provides access to the nearby rocky beach and tidepool areas and lateral blufftop access to a sandy beach at the mouths of Adobe and Arroyo Laguna Creeks. As part of the 1982 project (4-81-194), Caltrans acquired an easement over this Vista Point and a similarly sized one to the north from the Hearst Corporation so that continued public use would be undisputed. The cost of easements for both parcels totalled approx. \$57,000 according to information in the file.

The purpose of the amendment is to facilitate Caltrans compliance with a condition attached to a new, 1995 re-alignment project starting about 3 miles north of San Simeon and continuing north for 1.7 miles between Post Mile 61.3 and Post Mile 63.0, which was recently approved by the County and is now on appeal to the Commission. This condition required Caltrans to mitigate impacts on access caused by the re-alignment by providing two accessways to accommodate windsurfers, kayakers, elephant seal watchers and other recreationists. The condition noted that Caltrans may need to trade existing Vista Point One, to the Hearst Corporation as a way of obtaining the new accesses. (Please see Exhibit B, Caltrans letter requesting amendment and Exhibit C, the relevant County condition).

BACKGROUND ON CDP 4-81-194 AND OTHER RELEVANT PERMITS: The Coastal Development Permit proposed for amendment provided for the re-alignment of approximately one mile of Highway One in northern San Luis Obispo County. Highway One along this section of coast between the small town of San Simeon and the boundary with Monterey County some 17 miles north was originally constructed in 1938 as a narrow, curving two lane road which linked Big Sur and northern San Luis Obispo County. Over the years road standards and traffic have both significantly increased. In response to these changing circumstances, Caltrans has been making a number of safety/operational improvements to this portion of Highway One. These projects (CDP P-140-02, CDP 3-95-80) have generally involved moving the highway inland to allow for the construction of wider lanes, modern shoulders and safer curves.

## 2. PUBLIC ACCESS

The proposed amendment to relinquish Vista Point One in exchange for the formalization of an existing access at Twin Creeks must be found consistent with applicable Coastal Act policies and the certified San Luis Obispo LCP if it is to be approved. Staff notes that the San Luis Obispo County LCP also includes policies virtually identical to the Coastal Act policies cited below.

Policies relevant to this proposal are as follows:

### Coastal Act 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.

### Coastal Act 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.

### Coastal Act 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.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

#### San Luis Obispo County Land Use Element and Local Coastal Plan

(Page 49, Policy 4.)

4. Vista Points. The California Department of Transportation should continue to maintain the existing vista points north of Cambria and through the Hearst Ranch holdings. Where turnouts must be eliminated due to bluff erosion, other hazards or operational needs, the vista points/turn-outs shall be replaced in reasonable proximity.

(Page 8-3, Policy 1.)

1. Shoreline Access. Public access shall be provided at the time of each phase of development (as described below) and at the improvement of turn-out/vista points pursuant to Coastal Commission Permit No. 4-81-194. The accessway (unless otherwise stipulated in the following standards) may be operated via offer-of-dedication or deed restrictions, depending upon the particular location and circumstances of the accessway.

### ANALYSIS

The proposed amendment is consistent with applicable Coastal Act and LCP Policies because Vista Point One is under-used, superior access is located near by, proposed Vista Points Three and Four will provide better access and the County's access condition relevant to Vista Points Three and Four (Twin Creeks) reflects current use patterns and can be immediately implemented by the abandonment of Vista Point One.

#### A. VISTA POINT ONE IS UNDERUSED

Vista Point One is located 2.5 miles north of San Simeon on the west side of Highway One. It provides parking for a maximum of eighty cars and a trail from the parking lot to the rocky shoreline. Other nearby parking and access areas include informal parking for 50-60 cars at Arroyo Laguna,  $\pm$ one half miles south of Vista Point One. Parking facilities for an additional eighty cars are available one half mile north of this site at Vista Point Two. Vista Point Two, secured for public use by an easement purchased by Caltrans in the early 1980's, also provides pedestrian access to the shoreline. Currently there are approximately 220 parking spaces along this  $\pm$ one mile of rural shoreline and three pedestrian beach accesses (two are "formalized" for public use by easements, one is available by permission of the landowner).

In the years since the easements for Vista Points One and Two were acquired and the parking lots constructed, it has become apparent that Vista Point One is not receiving the use that was anticipated. Caltrans studies state that even during peak visitor periods only  $\pm$ 200 cars per day make use of Vista Point One and, in the off season, only three to five cars will be parked in the lot at any given time (transcript pg. 72-73). Numerous local residents and frequent visitors to this area testified in support of Caltrans' contention that Vista Point One was significantly underused. The County also offered information indicating that currently Vista Point One was not nearly as popular an access as others near by and, as a consequence, was used very lightly by the public. The County also stated that should pressure for additional parking and access increase in the future, Vista Point One may be considered for re-dedication to public use as mitigation for future projects in the area (transcript pg. 106-108).

In conclusion, the Commission finds that the use levels anticipated when the easements for Vista Points One and Two were obtained in the early 1980's have not materialized. Adequate parking and access facilities to accommodate the current level of visitors to this portion of the San Luis Obispo shoreline are available at Arroyo Laguna and at Vista Point Two. Vista Point One may therefore, be relinquished because it is underused and not needed to accommodate current access demands.

**B. SUPERIOR OR SIMILAR ACCESS IS LOCATED NEARBY**

As discussed in the preceding paragraphs, there are two other parking areas and shoreline accesses within one mile of Vista Point One, one of these, Vista Point Two, is located one half mile north of Vista Point One and essentially duplicates the facilities of Vista Point One. Vista Point Two provides parking for eighty cars and offers access to generally the same area of the coast as Vista Point One. The informal parking area and access at Arroyo Laguna, one half mile south of Vista Point One, provides a superior access for visitors. Windsurfers particularly prefer the Arroyo Laguna access because it provides a much more direct route to the beach than the long trail from Vista Point One. The recent popularity of ocean sports, like windsurfing, which require the transportation of bulky equipment, give accesses that provide a direct, short path between car and beach a superior rating by enthusiasts of these sports.

In addition to these nearby accesses, the record shows that in the 9 mile portion of shoreline between Cambria and Vista Point Two, there are 12 mapped access points. (Please see Exhibit D) Based on the existing cluster of access in the vicinity of Vista Point One, the underutilization of Vista Point One and the ability of nearby access, particularly Vista Point Two, to accommodate the current users of Vista Point One, the Commission finds that the proposed amendment to close Vista Point One is consistent with Coastal Act Section 30212(a)(2) because adequate access exists near by.

**C. VISTA POINTS THREE AND FOUR WILL PROVIDE GREATER ACCESS FOR THE PUBLIC**

The County has conditioned a new Caltrans project (A-3-95-70) to realign Highway One in the vicinity of Twin Creeks to require the provision of two access points at Twin Creeks (Vista Points Three and Four). These required access points will total over 7 acres in size and will include an improved parking area for beach users and a separate overlook/potential staging area for the safe observation of the elephant seal colony which seasonally inhabits the beach at Twin Creeks. Due to Caltrans' assertions that this condition cannot be met and thus the project cannot go forward unless an alternative to purchasing an easement can be found, the County has suggested in their condition that it may be necessary to trade Vista Point One for the new access

at Twin Creeks. (Please see Exhibit C). In order to implement the County's suggestion, Caltrans has proposed this amendment to CDP 4-81-194 to facilitate the trade. As detailed in the following paragraphs, the Commission finds that approval of the amendment is consistent with Coastal Act Section 30210 (maximize access) and 30212.5 (distribute access) because dedicated access is needed in the Twin Creeks area, the new access points will be twice as large as Vista Point One, all access will be lost at Twin Creeks unless the County condition is met, and improved access is needed to protect natural resource areas from overuse. County findings relevant to access are incorporated by reference in support of the Commission's action (please see Exhibit E, County Findings).

Dedicated improved access is urgently needed at Twin Creeks because of the significant increase in certain ocean sports and the colonization of the area by a sizable, and growing, elephant seal population. The rise in popularity of ocean sports such as kayaking and windsurfing has resulted in a demand for parking facilities close to sandy beaches suitable for these sports. According to testimony received at the hearing on this item, the beach at Twin Creeks is one of the best windsurfing locales in Central California. As a consequence, the very limited and hazardous existing parking facilities cannot accommodate current demand at this site. According to Caltrans, the improvement of parking facilities and continued access at Twin Creeks can only occur if Vista Point One is exchanged in favor of an easement over the site.

The unexpectedly strong resurgence of elephant seal populations has also refocused demands for public access to the Twin Creeks area over other locations such as Vista Point One. Over the last several years the elephant seals have established a large colony at Twin Creeks Beach. During the portion of the year when the elephant seals are present on the beach they act as a magnet to curious passersby. As a result, the already severely limited parking availability is further constrained by visitors who want to see the seals. Competition for inadequate parking has resulted in a serious safety problem as described by a highway patrol officer in his testimony to the Commission. The fact that the elephant seal haul-out area is unmanaged also presents problems (disturbance of the elephant seals by people, damage to people by elephant seals).

Given these facts, it is clear that the types of access available at Twin Creeks (ocean sports/elephant seal watching) are extremely popular with the public and that improvements to accommodate this level of interest are sorely needed.

The County required access will provide improved, safe parking for both beach-users and those people wishing to observe the elephant seals. The size of the area to be obtained for the public exceeds seven acres -- over twice as large as Vista Point One. In addition to being significantly larger than Vista Point One, it is clear from the evidence in the record that the new accesses at Twin Creeks will accommodate many more people than Vista Point One.

The Commission also finds that, if the County condition cannot be met, all current access at Twin Creeks may be lost. Caltrans has stated that if the realignment project does not go forward, they will be required to fence off

and post the existing informal access and parking areas for safety reasons. In addition, it should be noted that the current public use of Twin Creeks is by permission of the landowner. This permission could, of course, be denied at anytime. Approval of this amendment will thus ensure that access at Twin Creeks is maintained for the public pursuant to an easement which will guarantee public rights.

D. SAN LUIS OBISPO COUNTY'S ACCESS CONDITION REFLECTS CURRENT USE PATTERNS ALONG THE NORTH COUNTY SHORELINE

In their action on the Caltrans project in 1995, the County Board of Supervisors required the provision of formalized access at Twin Creeks as part of their approval of the Coastal Permit. The County condition stated that it may be necessary to trade an existing Vista Point for an easement at Twin Creeks. This condition was based on lengthy discussions and negotiations with various user groups, Caltrans and the landowner -- the Hearst Corporation, as supported by both written and oral testimony, the County and the others involved, determined that current use patterns and current safety issues gave the improvements at Twin Creeks a very high priority. It was also determined that the use of Vista Point One was quite limited and, if necessary, it could be closed because users of that site could be accommodated at similar points nearby (transcript pg. 88-97, 103-109).

Caltrans has stated that the only way they can comply with the County's condition for access at Twin Creeks is to act on the County's suggestion to trade Vista Point One for the necessary easements at Twin Creek. The Commission finds that this trade meets an operational need and therefore the closure of Vista Point One is consistent with LCP Policy Four.

3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The proposed amendment to exchange Vista Point One for access at Twin Creeks must be found consistent with Section 30240 of the Coastal Act. This resource protection policy requires the protection of Environmentally Sensitive Habitats (ESHA) by limiting permitted uses with ESHA's and regulating adjacent development to avoid impacts on the identified resource.

Coastal Act 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.

(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.



Environmentally Sensitive Habitat Areas are defined as follows in the Coastal Act at Section 30107.5.

Coastal Act Section 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.

Vista Point One is not an Environmentally Sensitive Habitat Area (ESHA), however, the amendment proposes to exchange this access point for two accesses at Twin Creeks, a site which does contain an ESHA. Over the past several years, the sandy beach at Twin Creeks has been colonized by elephant seals. This growing colony occupies the beach during the late fall to early spring. Twin Creeks Beach is now an established haul-out and pupping site for the elephant seals. Elephant seals are a protected species under the Federal Marine Mammal Act and thus their habitat must be considered an ESHA. The Marine Mammal Act also prohibits the harassment of the elephant seals in their habitat.

The haul-out at Twin Creeks is highly visible and easily accessible from Highway One. As a result, the beach and seal population draw sizable numbers of curious passersby. These visitors park along the Highway One shoulder, scramble down the low bluff separating the highway from the beach and walk among the resting elephant seals. Usually due to ignorance, these visitors often harass the seals and, unknowingly, put themselves in danger from elephant seal attacks. Substantial testimony was received at the Commission hearing and in the written record documenting inappropriate human activity regarding the elephant seals. Currently, there is no supervision at Twin Creeks which would control the interaction between curious human observers and the marine mammals.

An additional danger to the elephant seals and humans is presented by the accessibility of the highway to the haul out area. In recent years, as the colony has expanded, elephant seals have made their way up the gentle bluff to the highway. A collision involving an auto and one of these large marine mammals will have serious consequences for both auto passengers and seals.

Based on this information, it is clear that this ESHA is not currently being adequately protected and a program for controlling access to the haul-out area is sorely needed. Conditions attached to the approval of the Caltrans road realignment project in the vicinity of Twin Creeks (A-3-SLO-95-70) require the implementation of such a program. According to Caltrans, however, the realignment project cannot proceed unless Vista Point One can be exchanged for an easement at Twin Creeks as required by the County permit.

For these reasons, the Commission finds that in order to adequately protect the elephant seals and their habitat consistent with the requirements of Section 30240 of the Coastal Act, the proposed amendment, which facilitates the current road realignment project and thus provides for a management program to protect the identified habitat shall be approved.

5. SAFETY

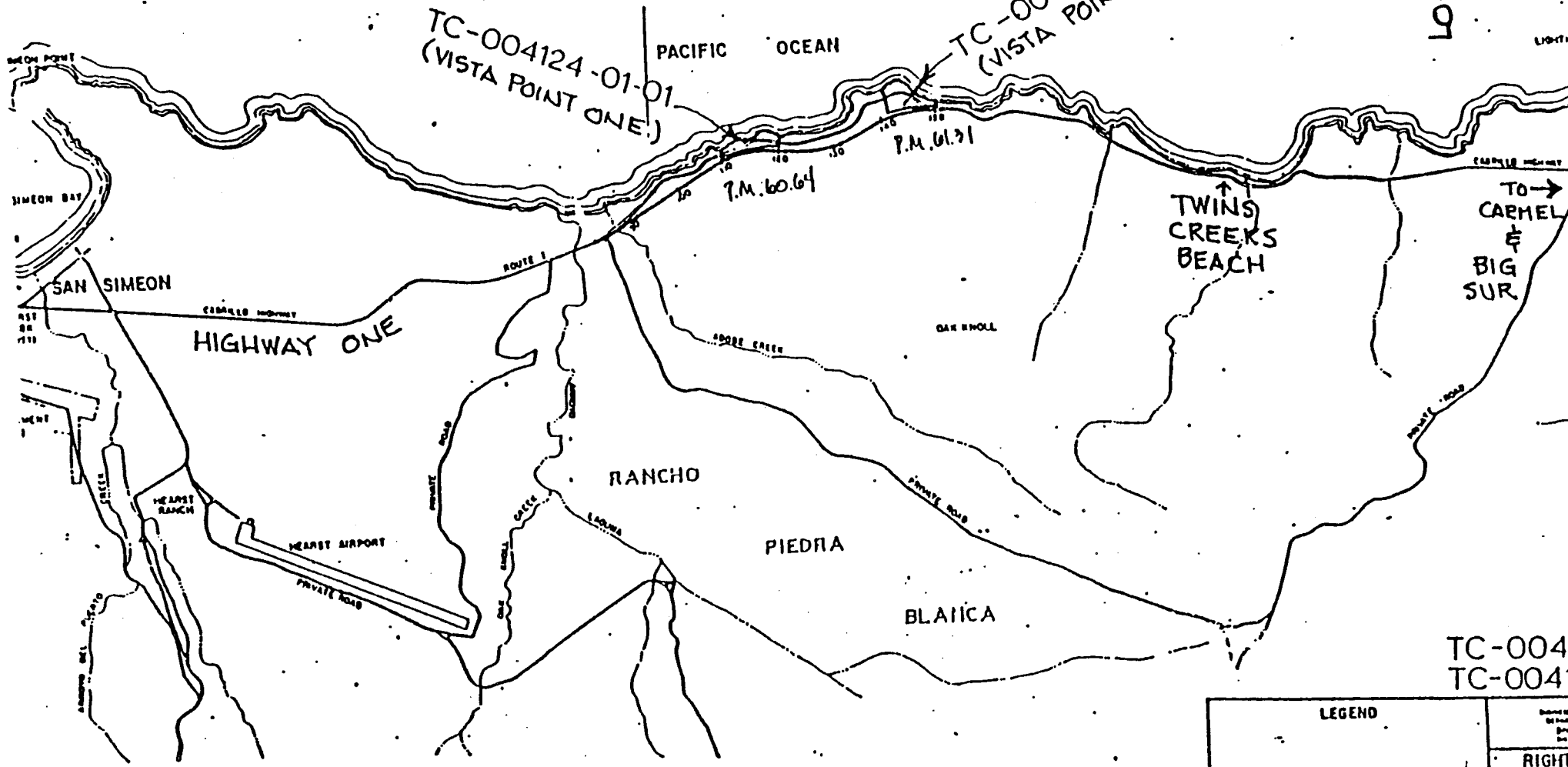
Although Caltrans has had a long term plan to upgrade Highway One in the North County Area (1977, 1982, 1995 projects), road safety has deteriorated more quickly than anticipated. The accident rate for this section of Highway One in Northern San Luis Obispo County is double that of comparable roads in the State highway system. In addition to this documented increase in accidents, the popularity of elephant seal watching coupled with inadequate parking has created a very hazardous situation at Twin Creeks. Finally, the elephant seals themselves have become a traffic hazard because they can, and do, attempt to cross the highway.

Testimony by Caltrans officials support the contention that, based on surveillance monitoring over a period of time since 1986, the accident rate in the vicinity of the proposed re-alignment is twice that statewide (transcript pg. 51-52). An officer of the California Highway Patrol stated, in his testimony before the Commission, that the accident rate for the three and one half mile stretch of Highway One, which includes the project area, has twice the accident rate of the state. Most accidents occur because cars run off the road (transcript pg. 174-176). The officer also observed that the presence of the elephant seals has created a significant safety problem which has required the California Highway Patrol to increase their officers in the area (transcript pg. 177).

The higher accident rates have been documented since 1986 (Caltrans surveillance) and 1993 (CHP testimony). The Commission also notes the recent hazards presented by the elephant seals. This information supports the urgency to realign the road and manage the elephant seals in order to avoid more accidents, and causes the Commission to find that it is appropriate to approve the proposed amendment to CDP 4-81-194 to exchange Vista Point One in order to expedite the construction of safety improvements at and near Twin Creeks.

6. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of the Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. As discussed above, alternatives have been considered and the project has been mitigated to avoid or minimize impacts to coastal resources. The project, as submitted will not have a significant adverse effect on the environment, within the meaning of CEQA.



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**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 8114  
 SAN LUIS OBISPO, CA 93403-8114  
 TELEPHONE: (805) 549-3111  
 TDD (805) 549-3259

**RECEIVED**  
 OCT 4 1995  
 CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA



October 2, 1995

Steve Guinney  
 California Coastal Commission  
 725 Front Street, Ste 300  
 Santa Cruz, CA 95060

Re: Amendment Request -- CDP 4-81-194

Dear Steve:

Caltrans is seeking to amend Coastal Development Permit 4-81-194 which allowed a realignment of Highway 1 in the vicinity of Arroyo Laguna near San Simeon (P.M. 60.0/61.3). This amendment request is linked to the recent action by the County of San Luis Obispo to approve a Coastal Development Permit to realign a 1.7-mile section immediately north (P.M. 61.3/63.0); see Exhibits A & B (vicinity and project maps). The subject of our amendment request is to relinquish one of two vista points which were formalized with the prior project. The vista point subject of this request is the southerly of the two (P.M. 60.6); see Exhibit C.

When originally proposed to the county, the currently proposed 1.7-mile highway realignment project (P.M. 61.3/63.0) did not include provisions for coastal access. Through an appeal of the Planning Commission's approval of a coastal development permit, Caltrans agreed to work toward a mutually acceptable resolution. A compromise scenario was agreed upon by the Board of Supervisors on September 19, 1995 in their action to approve the coastal development permit (Exhibit D). The ability to carry out the compromise plan depends on this amendment request as the circumstances limit our ability to provide for the desired accessways.

The idea to relinquish a vista point arised from discussions with the public, the affected property owner (Hearst Corporation) and staff from our office and the county during consideration of the appeal. Directly speaking, the proposal is suggested as a means to "acquire" (through easement dedication) high priority access areas identified by members of the public who frequent the area. Absent other means to acquire rights to the property, the "trade" would be considered as compensation to the landowner.

**EXHIBIT B  
 CALTRANS  
 LETTER REQ.  
 AMENDMENT**



Steve Guinney  
October 2, 1995

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In regard to ownership of the two existing vista points, Caltrans negotiated an easement with the Hearst Corporation in 1982 and subsequently entered into a transfer agreement with the State Department of Parks and Recreation (DPR) in 1989 (Exhibit E). After unsuccessfully pursuing a land use change to accommodate recreational activities at the vista points, such as overflow camping, DPR is in the process of returning the easements to Caltrans. Documentation of this transfer is forthcoming.

The focus on access was brought forward by the appellant who organized a user's group now referred to as "Access Piedras", to bring together the concerns of the various users of this area of coastline (e.g. boaters, divers, fishermen, windsurfers). Historic use in the area brought up the question of prescriptive rights. A public notice filed by the Hearst Corporation in 1972 allows permissive use of their land and appears to make a potential claim of prescriptive right moot. It has been our position that the proposed realignment project does not impact coastal access. Our analysis presented in the 1992 draft environmental document (Initial Study/Environmental Assessment), adopted in 1994 (Negative Declaration/Finding of No Significant Impact), also did not include access provisions as part of the project. This notwithstanding, the project's importance to public safety motivated us to pursue the matter further in hopes of moving the project forward.

Objectives for siting access were to accommodate recreational uses as well as elephant seal viewing. Access Piedras asserts that the two objectives are not compatible; therefore, separate sites were suggested. Access Piedras prioritized specific areas based on their recreational activities. Among the locations identified, the site referred to as "Twin Creeks" received general consensus as a desirable location for access and one that could be accommodated with the project. A second site located immediately north of Twin Creeks was identified as the location which could accommodate elephant seal viewing. It is recognized that all details to organize a program are yet to be negotiated (such as developing a docent-led program). These sites are depicted on Exhibit F.

The existing use at the vista point suggested for relinquishment is not well documented. However, as an indicator, we performed traffic counts at both of the formalized vista points. For a three week period in summer (August 1995), 150 cars per day on average visited the southerly site (subject of relinquishment request), the highest daily count was 200 cars on a Sunday; at the northerly location, 125 cars per day on average, and a high of 150, was counted. Unfortunately, the data does not give any qualitative information, such as how many stayed to enjoy the view, hike, picnic or whether some used the area as a turn-around. It has been indicated by those frequenting this area of coastline that these vista points are not well-sited for active recreational uses.

Formalizing the access areas now enjoyed by the groups became a high priority in our discussions. Without any means to impose a requirement on the property owner (who



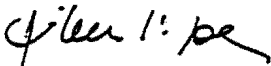
Steve Guinney  
October 2, 1995

Page 3

is not imposing an impact), the voluntary trade of vista points became a reasonable proposal for consideration. The proposal may be considered an enhancement to access where a popular beach area is dedicated for public use by giving up an area which doesn't see the same degree of active use. It is this proposal which we now bring for the Coastal Commission to review in light of the circumstances.

We would like to see the issue of access resolved to an acceptable level for the individuals concerned. We are also very motivated to resolve the matter in order to carry on with the safety improvement project at this location. Please consider this information for the proposed amendment. Enclosed are the requested materials for filing the application, as well as a mailing list we have used recently to notify interested parties. If you have any questions or you need further information, please contact me at (805) 549-3103.

Sincerely,



Aileen K. Loe, Chief  
Office of Environmental Management



utilizing approved soil binders, jute netting or other methods approved in advance by the APCD.

- 13) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders area used.
- 14) Vehicle speed for all construction vehicles will not exceed 25 mph on any unpaved surface at the construction site.

In addition, potential air quality impacts associated with the importation of soil to be used as fill shall be reviewed by the APCD, and mitigation, if necessary, will be adhered to by the contractor responsible for the soil importation. Dust control will utilize non-potable water under the guidelines set forth in the Standard Specifications and Special Provisions.

h. Scenic Resources

Mitigation - The project moves the roadway alignment inland approximately 50-250 feet (although in many places the new alignment is in essentially the same position of the existing alignment). Although the proposed new alignment is, for the most part, farther away from the Pacific Ocean, coastal bluffs, and marine resources, the overall panoramic views of the coastline, offshore rocks and breakers will still dominate the highway user's views.

Public Access ← COUNTY ACCESS CONDITION →

3. Prior to commencing with construction the applicant, working with County and SLOCOG staff, shall meet the following conditions, subject to review and approval by the Department of Planning and Building in consultation with appropriate State agencies, and a users group representing the different groups currently using this shoreline area including but not limited to divers, kayakers, fisherman, boaters, surfers, and windsurfers:
  - a) Obtain an access easement, offer of dedication or equivalent, for two public accessways totaling approximately 7.64 acres in size, one at Twin Creeks and the second at the northern end of the project site. Each accessway, to be dedicated for day use only, shall include permanent public access to the shoreline, (using as a reference the Caltrans graphic each accessway will extend to the mean high or high water) and the Twin Creeks accessway shall include sufficient clear area for launching of kayaks and similar small craft. The purpose of the accessways will be to provide

~~EXHIBIT~~

AMENDED

EXHIBIT C  
SLO COUNTY  
ACCESS CONDITION

suitable ingress and egress for kayakers, divers, fisherman, windsurfers, etc., and to provide safe and controlled viewing of the elephant seal colony while eliminating existing hazards to health safety and the environment.

- b) Submit an accessway improvement plan. (Location and level of improvement shall be sited and developed such that impacts to coastal resources will be minimized based on the environmental review prepared for the alignment project.)
- c) Since the applicant is not the landowner and is not required to dedicate access at this time, a trade for an existing vista point south of the project site may be necessary to acquire the superior accessways noted above. In this event, Caltrans will be required to obtain an amended coastal development permit from the State Coastal Commission for the relinquishment of the existing public vista point.

4. Prior to completing construction and opening the new roadway the applicant shall:

- a) Construct all related improvements including driveway ingress and egress, left turn lane channelization, signs, and other appurtenant facilities as shown in the improvement plans for the Twin Creeks public accessway. (Caltrans to ensure that road fill at Twin Creeks does not prevent small craft launching at this area.) Construct or bond for all related improvements including driveway ingress and egress, left turn lane channelization, signs, and other appurtenant facilities for the second, northerly public accessway.
- b) Identify the management and maintenance entity capable of accepting improvement, maintenance, and liability responsibility for the two accessways which may include a non-profit land conservation, State, or local agency to whom easements will be granted.
- c) Caltrans shall assist the County staff and Usergroups in preparing a resource protection program including elephant seals and other sensitive coastal resources in consultation with the effected property owner. Applicant will identify specific locations of "coastal resource protection zones" and if not fenced and signed, provide alternative mitigation to protect areas between the coast and the highway adjoining the accessways.

EXHIBIT C  
SLO COUNTY  
ACCESS

EXHIBIT

AMENDED CONDITION



Existing Coastal Access Points

LD. #	Name	Post Mile
1	Moonstone Beach Drive (San Simeon Beach State Park)	52.2
2	Vista Point	52.8
3	San Simeon Creek Road (San Simeon Beach State Park)	53.0
4	Pico Avenue	54.8
5	Vista Point	55.4
6	Vista Point	55.9
7	Vista Point	56.0
8	Vista Point	57.0
9	N Road to San Simeon	58.2
10	Vista Point (VP1)	60.6
11	Vista Point (VP2)	61.3

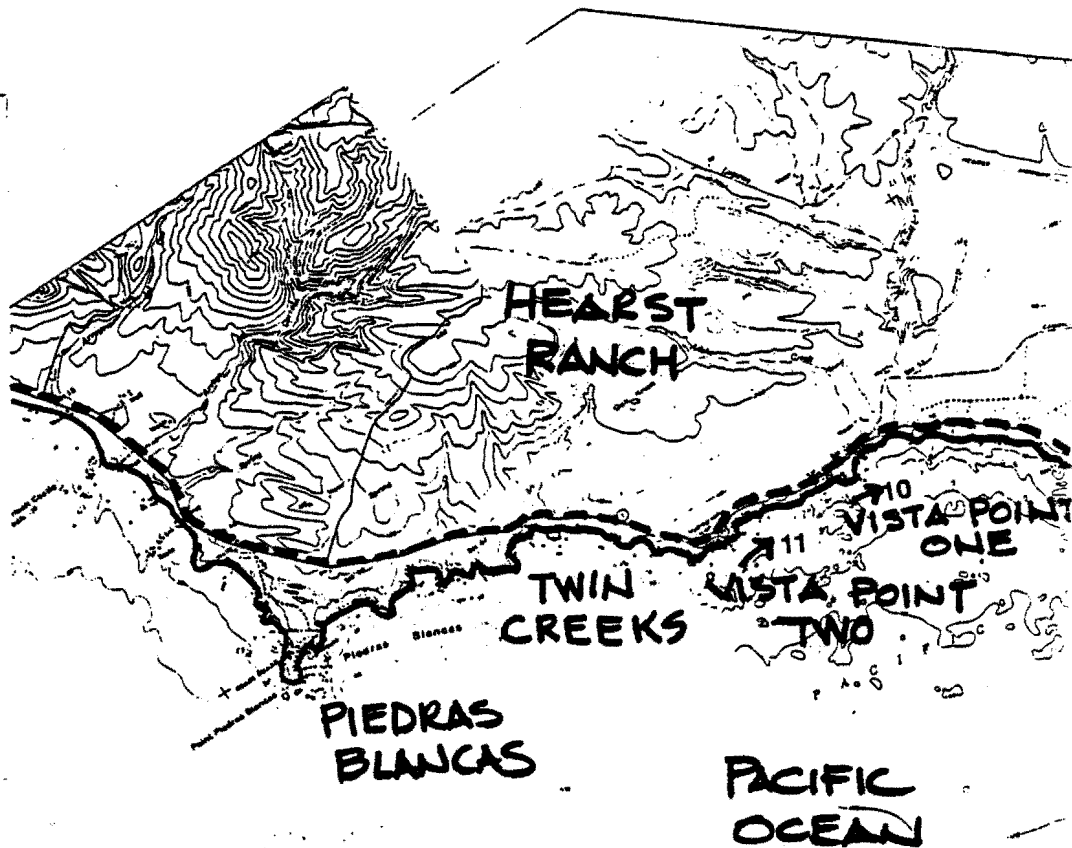


EXHIBIT D  
CALTRANS MAPPED  
ACCESS POINTS

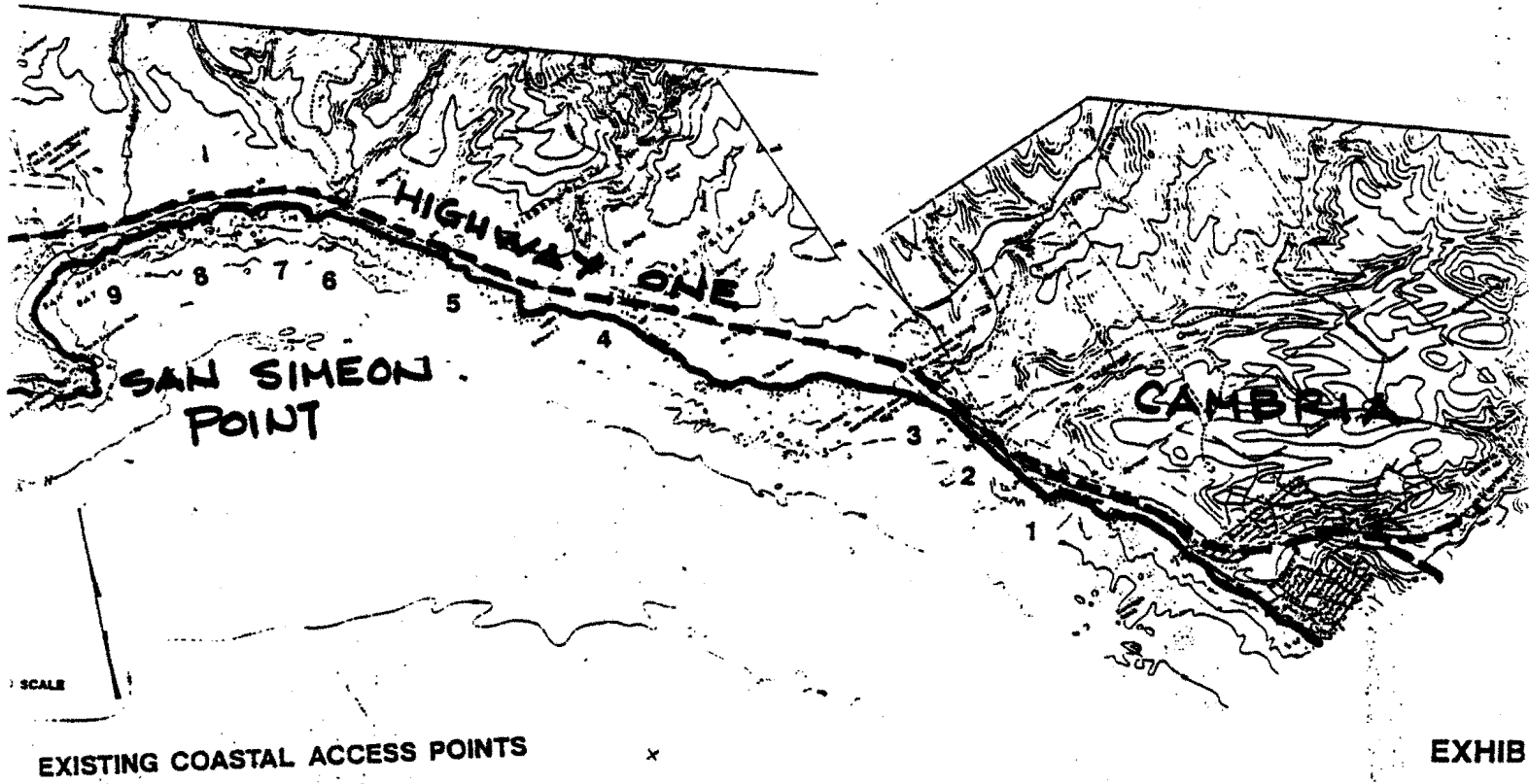


EXHIBIT D  
CALTRANS MAPPED  
ACCESS POINTS



# Department of Planning and Building San Luis Obispo County

Alex Hinds, Director  
Bryce Tingle, Assistant Director  
Barney McCay, Chief Building Official  
Norma Salisbury, Administrative Services Officer

DATE: SEPT. 29, 1995

## NOTICE OF FINAL COUNTY ACTION

SUBJECT: DA40106D DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT  
CALTRANS - HIGHWAY ONE RE-ALIGNMENT

The San Luis Obispo County Board of Supervisors approved the above-referenced application. Two copies of a Land Use Permit are enclosed. The conditions of approval adopted by the County are attached to the Land Use Permit. The conditions of approval must be completed as set forth in this document.

Please sign and return the green copy of the Land Use Permit to this office. Your signature will acknowledge your acceptance of all the attached conditions and applicable Land Use Ordinance, Coastal Zone Land Use Ordinance and Building and Construction Ordinance standards. \*

This action is appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz office at (408) 479-3511 for further information on appeal procedures.

If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

*Jerry [Signature]*  
FINAL LOCAL  
Development Review Section  
ACTION NOTICE

REFERENCE # 3-SLO-95-130  
APPEAL PERIOD 10/5-10/19/95

BSNOFA.LTR  
10/06/93/lj

\* LAND USE PERMIT ALREADY STORED.

RECEIVED  
OCT 4 1995

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

EXHIBIT NO. <u>E</u>
APPLICATION NO. <u>P-4-81-194-A</u>
<u>CALTRANS</u>
<u>AMENDMENT</u>

COUNTY OF SAN LUIS OBISPO

LAND USE AND COASTAL DEVELOPMENT PERMIT

PERMIT NO. D940106D



This Land Use/Coastal Development Permit allows the approved use described below to be established on the site referenced by the Assessor Parcel Number listed below. Any attached conditions of approval must be completed by the applicant as set forth by the condition. In addition to the conditions of approval, the approved use must also satisfy all applicable provisions of the Coastal Zone Land Use Ordinance and the Building and Construction Ordinance.

APPROVAL GRANTED

APPROVED USE:

1.7 MILE REALIGNMENT OF HIGHWAY 1 AT P.M. R 61.3/63.0 INCLUDING RELATED PUBLIC COASTAL ACCESS PER CONDITIONS OF APPROVAL AND ENVIRONMENTAL MITIGATION.

ASSESSOR PARCEL NUMBER(S):

11-221-015 & 11-221-26

ISSUED TO:

CALTRANS

CONDITIONS ATTACHED:

YES

NO

FINDINGS ATTACHED:

YES

NO

EFFECTIVE DATE

Unless an appeal is filed, this approval will become effective on October 16, 1995, and will be valid for two years. If an appeal is filed as provided by Section 23.01.042 and 23.01.043 of the Coastal Zone Land Use Ordinance, this approval may be affirmed, affirmed in part, or reversed. After two years the approval will expire and become void unless one of the following occurs:

- a. The project has been completed.
- b. Work has progressed beyond the completion of structural foundations.
- c. A written extension request has been filed with the Planning Department prior to the date of expiration and has been granted.

NOTE: THIS IS NOT A BUILDING PERMIT

Applicant must sign and accept conditions or permit is void.

DEPARTMENT OF PLANNING AND BUILDING VERIFICATION.

EXHIBIT

Mileen F. Fox 9/29/95  
Signature Date

BY: [Signature] DATE 9/29/95

**EXHIBIT A**  
**FINDINGS D940106D**

**ENVIRONMENTAL FINDINGS**

**I. BACKGROUND/PROJECT DESCRIPTION**

As the Lead Agency, the California Department of Transportation (Cal Trans) prepared an Negative Declaration/Finding of No Significant Impact in 1992, to realign 1.7 miles of Highway 1. The project site is located approximately 12 miles north of Cambria, south of Piedras Blancas. The existing highway alignment follows the coastline closely using an existing easement across Hearst Corporation property. The proposed project intends to realign the highway so that the existing curves are straightened and the roadway is moved 50-250 feet inland to accommodate the straighter alignment.

*As a Responsible Agency, the County of San Luis Obispo is required under CEQA Section 15096(h) to make the standard findings for the Negative Declaration, without certifying the document.*

Cal Trans currently operates and maintains State Route 1 (a.k.a. Highway 1) in the project area which allows for vehicular and bicycle travel to occur between Cambria and the Big Sur area. Cal Trans has maintained this section of Highway 1 since 1938 when the easement was first negotiated with the Heart Corporation to allow for the road construction (existing easement consists of an 80 foot right-of-way).

In 1988, Cal Trans identified the purpose of the project being two-fold. The first concern is safety. This section of road, with the existing non-standard curves, is an area with an unusually high accident rate (the accident rate in this section of road is approximately 62% higher than similar types of roadway throughout the State). The second concern is coastal bluff erosion. Erosion of the coastal bluff is beginning to encroach on the road shoulders such that the structural integrity of the roadway may be degraded over time (bluff erosion is caused by natural wave-action, and man-induced disturbance and vegetation loss as a result of uncontrolled coastal access).

**II. THE RECORD**

For the purposes of CEQA and the CEQA required findings, the record of the Planning Commission relating to the application includes:

A. Documentary and oral evidence received and reviewed by the Planning

**EXHIBIT**

Commission during the public hearing on the project.

- B. The Negative Declaration/Finding of No Significant Impact (ND/FONSI) prepared and circulated in 1992.
- C. Matters of common knowledge to the Commission which it considers, such as:
  - a. The County General Plan, land use maps and elements thereof.
  - b. The text of the Land Use Element.
  - c. The County Code of San Luis Obispo.
  - d. The County and State Environmental Quality Act Guidelines.
  - e. Other formally adopted policies and ordinances.

III. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT (But Mitigable)

A. TOPOGRAPHIC ALTERATION/GROUND DISTURBANCE

- 1. Impacts - Refer to ND/FONSI page 10.
- 2. Mitigation - Temporary and permanent erosion control measures in these areas should prevent significant soil runoff and/or sedimentation.
- 3. Finding - Insignificant
- 4. Supportive Evidence - No significant impacts related to erosion or sedimentation should occur pursuant to erosion control measures (including netting, straw punching, and seeding) being implemented as soon as possible after grading activities have concluded.

B. STREAM MODIFICATION/ALTERATION

- 1. Impacts - Refer to ND/FONSI page 10.
- 2. Mitigation - All potentially significant impacts occur in the Arroyo Escondido Creek area. The streambed to the east will not have to be realigned and will be fenced off and designed as an Environmentally Sensitive Area (ESA) during construction. All fill slopes will be vegetated to prevent erosion and sediment impacts to the creek.
- 3. Finding - Insignificant

4. Supportive Evidence - No significant project related impacts are anticipated that will affect the creek or creek habitat based on the implementation and monitoring of the stream alteration mitigation.

C. WETLANDS

1. Impacts - Refer to ND/FONSI page 10.
2. Mitigation - Adjacent wetlands within the project boundaries will be delineated on the plans as Environmentally Sensitive Areas (ESA) and fenced prior to construction to preclude inadvertent impacts during construction. Caltrans will acquire additional right-of-way immediately upstream from the new culverts and vegetate the grassy slopes with native riparian species. This enhancement should increase wildlife uses. In addition, Caltrans is in the process of negotiating a conservation easement to create new, functional marshes adjacent to the existing wetlands.
3. Finding - Insignificant
4. Supportive Evidence - No significant project related wetland impacts are anticipated after wetland mitigation has been implemented and monitored. Any unsuccessful mitigation discovered during monitoring should be remediated such that wetland vegetation and habitat are restored.

D. CULTURAL RESOURCES

1. Impacts - Refer to ND/FONSI page 13.
2. Mitigation - All archaeological resources (referred to as sites) identified within the construction zone shall be delineated on the project plans as Environmentally Sensitive Areas (ESA), while sites immediately adjacent to the construction zone will be fenced prior to construction to prevent inadvertent disturbance during construction. The two sites impacted by the construction will have data recovery performed on them as the primary form of mitigation. The data recovery phase will be concluded prior to the commencement of construction. In addition, archaeological monitors will be utilized during construction activities. Caltrans has received concurrence from the State Historic Preservation Office that these sites have been determined to be eligible for inclusion to the National Register of Historic Places. An Adverse Effects package has been negotiated

with Native American advisors. A Data Recovery plan has been reviewed and approved by the State Office of Historic Preservation and the Advisory Council on Historic Preservation. If additional cultural remains are unearthed during project construction, work will be stopped in the location of the find until a qualified archaeologist can evaluate the find and recommend appropriate mitigation.

3. Finding - Insignificant
4. Supportive Evidence - No significant cultural resource impacts are anticipated based on the implementation and monitoring of mitigation measures. Other realignment alternatives resulted in more sites being impacted by the project. The proposed alignment is the least damaging of the alternatives.

IV. FINDINGS FOR IMPACTS IDENTIFIED LESS THAN SIGNIFICANT

A. VEGETATION REMOVAL/SENSITIVE PLANTS

1. Impacts - Refer to ND/FONSI page 11.
2. Mitigation - All disturbed areas including fill slopes and cut banks, as well as the abandoned portion of the old alignment, will be revegetated with native species (this should provide erosion control and result in a no net loss in plant numbers). Pre-construction surveys will be conducted by a Caltrans biologist to determine the presence of sensitive plant species (e.g. rare Compact cobweb thistle) within the construction zone. Any specimens located will be transplanted to suitable area and monitored for success. Seeds will be collected from plants within and adjacent to State right-of-way and used to revegetate disturbed areas after construction.
3. Finding - Insignificant
4. Supportive Evidence - Realignment of the existing road will allow the existing populations of the cobweb thistle an opportunity to spread to the old roadway alignment area. Any sensitive plants identified prior to construction will be relocated and monitored until successfully established.

B. BIOLOGICAL RESOURCES (Wildlife)

1. Impacts - Refer to ND/FONSI page 11.

**EXHIBIT**



2. Mitigation - Based on evidence identifying two species of Special Concern by the California Department of Fish and Game (Borrowing Owl & American Badger), a pre-construction survey will be conducted if construction is planned between September and March (the wintering period for Borrowing Owls). If an owl is found to be residing within the construction zone, Fish and Game guidelines for removal and relocation will be followed.
3. Finding - Insignificant
4. Supportive Evidence - A biological survey was conducted to identify any sensitive species in the project area. The two species of Special Concern will be trapped, removed, and relocated using established guidelines if identified during a pre-construction survey.

C. AIR QUALITY

1. Impacts - Refer to ND/FONSI pages 13-15.
2. Mitigation - The project must conform to APCD's Air Quality Attainment Plan (AQAP). In addition, the following mitigation measures listed below will help reduce the predicted air quality impacts, and shall be made part of the Special Provisions for the construction project:

*For Nox and ROG (BACT) Mitigation Measures*

- a. Use of Caterpillar prechamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of oxides of nitrogen (Nox).
- b. Electrify equipment where feasible.
- ~~c. Maintain equipment in tune per manufacturer's specifications except as required in condition e.~~
- d. Install catalytic converters on gasoline-powered equipment.
- e. Implement engine timing retard (four degrees) for diesel-powered equipment.
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible.

**EXHIBIT**

For PM-10 (BACT) Mitigation Measures

- a. Reduce the amount of the disturbed area.
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceeded 15 mph.
- c. All dirt stockpile areas should be sprayed daily as needed.
- d. Permanent dust control identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at a date greater than one month after initial grading should be sown with fast-growing native grass seed and watered until vegetation is established.
- f. All disturbed areas not subject to revegetation should be stabilized utilizing approved soil binders, jute netting or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders area used.
- h. Vehicle speed for all construction vehicles will not exceed 25 mph on any unpaved surface at the construction site.

In addition, ~~potential air quality impacts associated with the importation of~~ soil to be used as fill shall be reviewed by the APCD, and mitigation, if necessary, will be adhered to by the contractor responsible for the soil importation. Dust control will utilize non-potable water under the guidelines set forth in the Standard Specifications and Special Provisions.

3. Finding - Insignificant
4. Supportive Evidence - The San Luis Obispo Air Pollution Control District has reviewed the project design and prescribed mitigation to

**EXHIBIT**

reduce the potential for adverse air quality impacts to a level of insignificance.

D. SCENIC RESOURCES

1. Impacts - Refer to ND/FONSI page 13.
2. Mitigation - The project moves the roadway alignment inland approximately 50-250 feet (although in many places the new alignment is in essentially the same position of the existing alignment). Although the proposed new alignment is, for the most part, farther away from the Pacific Ocean, coastal bluffs, and marine resources, the overall panoramic views of the coastline, offshore rocks and breakers will still dominate the highway user's views.
3. Finding - Insignificant
4. Supportive Evidence - The proposed new alignment will allow the traveller to view more of the coastline at any one time. This enhancement of the continuous panoramic views will result because the driver, and any passengers, will be able to focus their attention on the scenery instead of negotiating the many curves in the roadway.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE

The proposed project will not result in impacts identified as significant and unavoidable. All significant impacts identified as resulting from the proposed project can be mitigated to levels of insignificance (see Section III).

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

~~The proposed project will not result in significant unavoidable impacts, therefore a statement of overriding considerations is not necessary.~~

PLANNING DIVISION FINDINGS

VII. LOCAL COASTAL PLAN/ORDINANCE AND GENERAL PLAN FINDINGS

- A. The proposed project or use is consistent with the Local Coastal Program and the LUE of the general plan because public roads and improvement projects are

**EXHIBIT**

permissible uses within the Agriculture land use category. The use is consistent with other elements of the general plan.

- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the realignment project will include mitigation for coastal resources and environmental protection, and the project will be designed by registered civil engineers to ensure safe design and will provide improvements for storm water drainage.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to the existing roadway and the site is located in a rural area and surrounding private land is used for agricultural purposes.
- E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the no additional traffic is associated the realignment project.
- F. The project will not adversely impact the view of the ocean from Highway One or other public view corridors, because the realigned roadbed will road be at the existing elevation or somewhat higher in elevation so that public views from the highway will be enhanced, not reduced.
- G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the project includes restoration and measures to protect coastal environmental resources.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements, and disturbance to those areas will be avoided where feasible.
- I. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified resource.

**EXHIBIT**

- J. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.
- K. That no traffic safety problems will result from the proposed realignment, because the project is a safety improvement project to improve safety by straightening and leveling the roadbed, increasing the width of the traveled lane and providing an overall increase in shoulder width, and by providing for public coastal access the project will improve public safety with respect to ingress and egress.
- L. With the revised conditions of approval requiring a two public coastal accessways, the project will be in conformance with the requirement to provide public coastal access while also protecting the coastal environment. **← ACCESS FINDING**
- M. The project, with revised condition number 3 contained in Exhibit B, addresses the concerns raised by the appellant regarding the continuation of public coastal access established by use as specified in Section 23.04.420b and d of the Coastal Zone Land Use Ordinance, while also ensuring protection of coastal resources as required by Section 23.04.420j and k.
- N. This development plan coastal/development permit satisfies the discretionary permit requirement of Section 23.04.420f of the Coastal Zone Land Use Ordinance.
- O. The improvements required by condition number three are necessary to ensure reasonable public access, protect the health and safety of access users, assure and provide for proper long-term maintenance of the accessway; are adequate to accommodate the expected level and intensity of public use that may occur; can be properly maintained by a maintenance entity; and will incorporate adequate measures to protect the privacy and property rights of the adjoining property owners. **ACCESS FINDING ←**
- P. Impacts to agriculture (grazing) resulting from the project and the two accessways will be insignificant because of the relatively small loss of agricultural land.

**EXHIBIT**

**EXHIBIT B**  
**CONDITIONS OF APPROVAL D940106D**

**Approved Development**

1. This approval authorizes a 1.7 mile realignment project for Highway One at P.M. R 61.3/63.0. north of Arroyo Laguna Creek bridge and south of Point Piedras Blancas, north of San Simeon. The realignment will be contained within a 100 foot right-of-way/easement except as necessary for fill slopes. Remnant road sections will be removed and restored and disturbed areas shall be revegetated.

**Coastal Resource Protection and Enhancement/Environmental Mitigation**

2. The project shall include the following measures to comply with the Local Coastal Plan and implement the mitigation measures of the environmental document.

- a. Topographic Alteration/Ground Disturbance

Mitigation - Temporary and permanent erosion control measures in these areas should prevent significant soil runoff and/or sedimentation.

- b. Stream Modification/Alteration

Mitigation - All potentially significant impacts occur in the Arroyo Escondido Creek area. The streambed to the east will not have to be realigned and will be fenced off and designed as an Environmentally Sensitive Area (ESA) during construction. All fill slopes will be vegetated to prevent erosion and sediment impacts to the creek.

- c. Wetlands

Mitigation - Adjacent wetlands within the project boundaries will be delineated on the plans as Environmentally Sensitive Areas (ESA) and fenced prior to construction to preclude inadvertent impacts during construction. Caltrans will acquire additional right-of-way immediately upstream from the new culverts and vegetate the grassy slopes with native riparian species. This enhancement should increase wildlife uses. In addition, Caltrans is in the process of negotiating a conservation easement to create new, functional marshes adjacent to the existing wetlands.

- d. Cultural Resources

Mitigation - All archaeological resources (referred to as sites) identified

within the construction zone shall be delineated on the project plans as Environmentally Sensitive Areas (ESA), while sites immediately adjacent to the construction zone will be fenced prior to construction to prevent inadvertent disturbance during construction. The two sites impacted by the construction will have data recovery performed on them as the primary form of mitigation. The data recovery phase will be concluded prior to the commencement of construction. In addition, archaeological monitors will be utilized during construction activities. Caltrans has received concurrence from the State Historic Preservation Office that these sites have been determined to be eligible for inclusion to the National Register of Historic Places. An Adverse Effects package has been negotiated with Native American advisors. A Data Recovery plan has been reviewed and approved by the State Office of Historic Preservation and the Advisory Council on Historic Preservation. If additional cultural remains are unearthed during project construction, work will be stopped in the location of the find until a qualified archaeologist can evaluate the find and recommend appropriate mitigation.

e. Vegetation Removal/Sensitive Plants

Mitigation - All disturbed areas including fill slopes and cut banks, as well as the abandoned portion of the old alignment, will be revegetated with native species (this should provide erosion control and result in a no net loss in plant numbers). Pre-construction surveys will be conducted by a Caltrans biologist to determine the presence of sensitive plant species (e.g. rare Compact cobweb thistle) within the construction zone. Any specimens located will be transplanted to suitable area and monitored for success. Seeds will be collected from plants within and adjacent to State right-of-way and used to revegetate disturbed areas after construction.

f. Biological Resources (Wildlife)

Mitigation - Based on evidence identifying two species of Special Concern by the California Department of Fish and Game (Borrowing Owl & American Badger), a pre-construction survey will be conducted if construction is planned between September and March (the wintering period for Borrowing Owls). If an owl is found to be residing within the construction zone, Fish and Game guidelines for removal and relocation will be followed.

g. Air Quality

Mitigation - The project must conform to APCD's Air Quality Attainment Plan (AQAP). In addition, the following mitigation measures listed below will help

EXIST

reduce the predicted air quality impacts, and shall be made part of the Special Provisions for the construction project:

*For Nox and ROG (BACT) Mitigation Measures*

- 1) Use of Caterpillar prechamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of oxides of nitrogen (Nox).
- 2) Electrify equipment where feasible.
- 3) Maintain equipment in tune per manufacturer's specifications except as required in condition e.
- 4) Install catalytic converters on gasoline-powered equipment.
- 5) Implement engine timing retard (four degrees) for diesel-powered equipment.
- 6) Substitute gasoline-powered for diesel-powered equipment, where feasible.

*For PM-10 (BACT) Mitigation Measures*

- 7) Reduce the amount of the disturbed area.
- 8) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceeded 15 mph.
- 9) All dirt stockpile areas should be sprayed daily as needed.
- 10) Permanent dust control identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- 11) Exposed ground areas that are planned to be reworked at a date greater than one month after initial grading should be sown with fast-growing native grass seed and watered until vegetation is established.
- 12) All disturbed areas not subject to revegetation should be stabilized.

**EXHIBIT**