

## CALIFORNIA COASTAL COMMISSION

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## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION

APPEAL NUMBER: A-3-MCO-99-092

LOCAL GOVERNMENT: MONTEREY COUNTY

DECISION: Approved with conditions, 11/09/99

APPLICANT: Rancho Chiquita Associates, Attn: Ted Richter

APPELLANTS: Big Sur Land Trust, Attn: Zad Leavy;  
Department of Parks and Rec., Attn Kenneth L. Gray; and  
Responsible Consumers of Monterey Peninsula, Attn David Dillworth

PROJECT LOCATION: Highway One and Riley Ranch Road, across from Point Lobos State Reserve; Carmel Highlands (Monterey County) APN 243-112-015 (see Exhibit A).

PROJECT DESCRIPTION: Convert an existing single family dwelling, barn and cottage to a 10-unit bed and breakfast (see Exhibit B)

FILE DOCUMENTS: Monterey County Certified Local Coastal Program, consisting of *Carmel Area Land Use Plan* and relevant sections of *Monterey County Coastal Implementation Plan*; Administrative Record for County Permit PLN970284; information on Point Lobos Ranch plans for development and subsequent acquisition by Big Sur Land Trust; County permit SB94001 for Whisler subdivision.

### EXECUTIVE SUMMARY

Staff recommends that the Commission determine that a **substantial issue** exists with respect to some of the grounds on which the appeal has been filed, because the coastal permit approved by Monterey County does not fully conform to the provisions of its certified Local Coastal Program. Staff recommends that the de novo hearing on the coastal permit be held at a subsequent meeting.

The proposed project is the conversion of an existing single family dwelling, barn and cottage to a 10-unit bed and breakfast facility. The project is located on the east side of Highway One, on Riley Ranch Road in the Carmel area of Monterey County's Coastal Zone (see Exhibit A). The

project is located on a 5.42-acre parcel (APN 243-112-015-000), across from the Point Lobos State Reserve (see inset map; Exhibit B). The property is designated as "Resource Conservation" with a Special Treatment overlay (see Exhibit E).

The three appellants' contentions are all fairly similar. They contend that the project does not comply with the Monterey County Local Coastal Program (LCP) with regards to Point Lobos Ranch land use regulations, visitor-serving use precedent, archeological resource protection, water rights and groundwater withdrawal, traffic, and scenic resource protection. The appellants contend the project is being developed without a required comprehensive plan, and urge that a comprehensive plan is needed to ensure reasonable and appropriate development of the Point Lobos Ranch. The appellants further contend that the Monterey County LCP is out of date with regard to land use in the area and existing water supplies. The full appeals are attached as Exhibit D.

The context for land use planning has changed at Point Lobos Ranch since the preparation of the LCP some two decades ago. Most of the formerly private land has been purchased by the Big Sur Land Trust for on-going transfer to the State Department of Parks and Recreation (see Exhibit G). The LCP identified this area as suitable for visitor-serving use. The entire Ranch was designated for up to two hotels and up to 276 overnight rooms. The LCP contains some specific siting parameters to primarily preserve the scenic viewshed and contains density allocations for optional residential use. However, the mention of 276 rooms is only an allocation of 138 rooms to each of the two families who then owned the Ranch: the Hudsons and the Rileys. The decision of where the hotel(s) would go on the Ranch was left to a coordinated planning process.

A planning process did occur that illustrated a major visitor-serving facility on the Ranch. Subsequently, substantial portions of the Ranch were purchased by the Big Sur Land Trust (BSLT). Unfortunately, there was not agreement at the time of the Ranch's sale to BSLT as to the disposition of the visitor-serving units. BSLT claims that since the Trust bought the land on which the hotels were tentatively planned, it bought any visitor-serving credits. The applicants dispute this, saying they sold no development credits that accrue to their inholdings.

A critical issue, then, is what density should be assigned to each party's current holdings. The County has previously adopted findings that allow a maximum of 20 overnight units in two bed and breakfasts and 10 homes (or 12 homes if there is only one B&B) that will occur on the private inholdings. This leaves considerable density credit available to State Parks should the Department wish to develop some type of overnight facilities on its holdings. However, this allocation is not consistent with a proportional division of the Ranch's visitor-serving density credits under the LCP among the current owners: private and public. For the Riley portion of the ranch, the current owners of the bed and breakfast site, purchased all of the visitor credits. They then sold 95.5% of the Ranch to the Big Sur Land Trust. From a legal and equity perspective, this would appear to leave them with 4.5% of the visitor-serving credits; or a six bedroom bed and breakfast. However, they have disputed this analysis. Staff recommends that there is a substantial issue with regard to the visitor-serving density.

Also embodied in the comprehensive planning requirement is the necessity to have a

management component. On this point, the County approval is also deficient. State Parks has identified a number of concerns relative to the operation of a bed and breakfast in a park inholding. The LCP requires that a management plan be prepared to address such potential conflicts. Since the County approval has no such requirement, staff recommends that a substantial issue be found regarding this particular point.

A related issue involves the "Resource Conservation" zoning of the site. This zoning would allow for the barn to be converted to a bed and breakfast only if it were found to be a use of a similar or more restricted nature than the barn use. Since, the County did not make such a finding, a substantial issue is raised.

With regard to the other issues raised by the appeal, the evidence in the record indicates that they are not be substantial issues. There is no archaeological site in the area to be disturbed for parking; there is an existing water system whose use will not be increased as a result of this project; there is minimal if any traffic increase associated with the project; and the bed and breakfast will help preserve the visual character of the area by its adaptive reuse of scenic, historic ranch buildings.

As to resolving the appeal, there are two apparent courses of action. One is for the Commission to determine the appropriate visitor-serving density allocation among the now multiple owners of Point Lobos Ranch. The other approach is for the parties to agree to an appropriate formula consistent with the LCP and put forward for Commission consideration. Staff has met with and discussed this matter with the parties who will be making an attempt to resolve this issue. Therefore, the recommendation is for the Commission to find substantial issue only at this time and continue the de novo hearing to first give the affected parties an opportunity to come to some agreement.

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## **I. SUMMARY OF APPELLANTS' CONTENTIONS**

The three appellants variously contend that the project does not comply with the Local Coastal Program in several ways. The appellants primarily contend that the project is being developed without a comprehensive plan, and urge that a comprehensive plan be completed to ensure reasonable and appropriate development of the Point Lobos Ranch. The appellants further contend that the Monterey County LCP is out of date with regard to current land use patterns and existing water supplies. The appellants' other points can be grouped into the following five contentions: that approval of the project is contrary with LCP policies that address land use regulations, archeological resource protection, water rights and groundwater withdrawal, scenic resource protection, and public access. See Exhibit D for the text of the full appeals.

## **II. LOCAL GOVERNMENT ACTION**

The Monterey County Planning Commission issued a Coastal Development Permit and Design Approval to Rancho Chiquita Associates for the conversion of an existing single family dwelling, a barn, and cottage to a 10-unit bed and breakfast facility on September 8, 1999. The coastal development permit included recommendations from Public Works, Water Resources Agency, Monterey Peninsula Water Management District Environmental Health, and Carmel Highlands Fire District staff. The Monterey County Planning Commission heard and approved the permit (Resolution # 99-053) on September 8, 1999. Resolution # 99053 was subsequently appealed to the Board of Supervisors by the following three appellants: Kenneth L. Grey, District Superintendent, California Department of Parks and Recreation (DP&R); Zad Leavy, Executive Director, The Big Sur Land Trust (BSLT); and David Dillworth, Co-Chairman, Responsible Consumers of the Monterey Peninsula (RCMP).

The Monterey County Board of Supervisors conducted a de novo hearing on November 9, 1999, to consider the appeal, as well as all written and documentary information, staff reports, oral testimony and other evidence presented before the Board. Following the de novo hearing, the Board of Supervisors denied the appeals submitted by the three appellants and thereby approved the Coastal Development Permit and Design Approval for the project (Resolution # 99-410) subject to 41 special conditions of approval. All permit findings and conditions are included in Exhibit C.

Resolution # 99-410 was subsequently appealed to the Coastal Commission by BSLT on November 29, 1999, the RCMP on December 4, 1999, and DP&R on November 24, 1999.

## **III. APPEAL PROCEDURES**

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs in certain cases. This project is appealable because it is not designated as the principal permitted use under the zoning ordinance or zoning district map.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to

conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

##### **A. MOTION:**

*I move that the Commission determine that Appeal No. A-3-MCO-99-092 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

##### **B. STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

##### **C. RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. *A-3-MCO-99-092* presents a substantial issue with respect to the some of the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

#### **V. RECOMMENDED FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

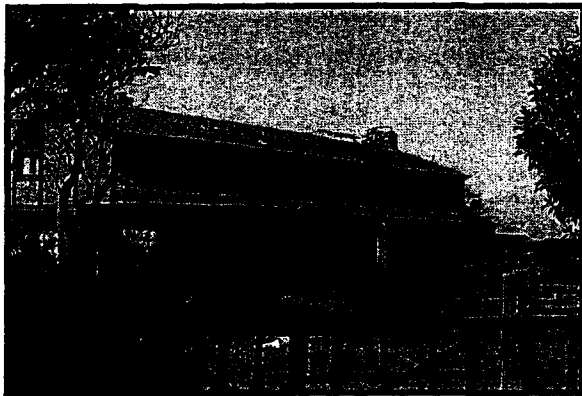
##### **A. PROJECT LOCATION AND DESCRIPTION**

###### **1. Setting**

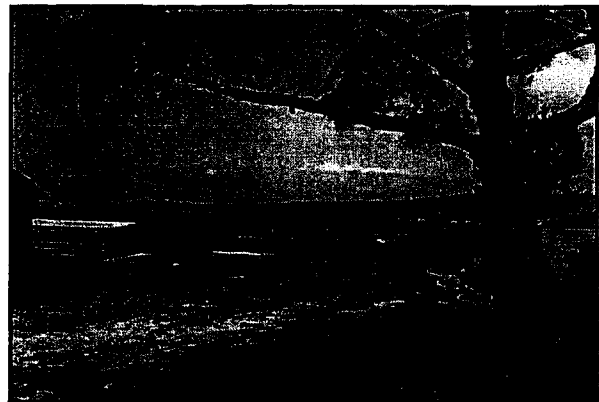
The project is the conversion of an existing single family dwelling, barn and cottage to a 10-unit

bed and breakfast facility. Parking will be provided for 12 cars. The project is located on the east side of Highway One, near Riley Ranch Road and Highway One in the Carmel area of the Coastal Zone in the County of Monterey (see Exhibit A). The project is located on a 5.42-acre parcel (APN 243-112-015-000), located east of Highway One and across from the Point Lobos State Reserve (see inset map; Exhibit B). The property is designated "Resource Conservation" with a Special Treatment overlay in the Monterey County Local Coastal Program. (see Exhibit E)

The parcel is part of what was Point Lobos Ranch. At the time of LCP preparation the Ranch was owned by two families the Hudsons and the Rileys/Whislars (see Exhibit F). More recently most of the Ranch was sold to the Big Sur Land Trust for eventual transfer to State Parks and Recreation (see Exhibit G). Some land remained in private ownership including the subject parcel which contains an existing single family dwelling (see Figure 1), a barn and a cottage, all of which are visible from Highway One and from within Point Lobos State Reserve. Access is from Riley Ranch Road, a County road that intersects Highway One across from the Reserve.



**Figure 1: Existing Stone House**



**Figure 2: Proposed Parking Area**

## **2. Project Description**

The proposed project involves conversion of the barn into four bedrooms, the refurbishing of the cottage into two guest rooms, and the refurbishing of the house for four upstairs bedrooms (see Exhibit B). The manager's quarters will be on the first floor of the house along with a lounge, reception area, and exercise room. There will be little change to the exterior appearance of the buildings. A landscaping plan is required as a condition of County approval. The flat area between the barn and the cottage will be used for parking (12 spaces; see Figure 2). Also, pursuant to County conditions for fire protection purposes, Riley Ranch Road to the site will be widened and improved to 18 feet. The road's intersection with Highway One also will be improved (see Exhibit B-3).

## B. POINT LOBOS RANCH COMPREHENSIVE DEVELOPMENT PLAN

### 1. Relevant Local Coastal Program Provisions

The following provisions from the *Carmel Area Land Use Plan* are relevant:

*4.4.3.E.8. Rural residential development is appropriate for the "Flatlands" area, the lower area of Point Lobos Ranch presently characterized by rural residential use. New land divisions within this area shall result in a maximum of 28 additional units permissible if conversion of visitor serving commercial to residential units is carried out pursuant to the provisions of policy 4.4.3.F.4.C. Preference should also be given to transferring 8 units of residential development for the Riley holdings to the Flatlands pursuant to policies 2.2.4.10.b and 4.4.3.G.3. New development in this area shall be located within the forest cover and shall not be allowed on the open, scenic pasturelands.*

*4.4.3.E.9. Residential development of Point Lobos Ranch shall only be considered within the context of an overall development and management plan(s) for the entire ranch that provide for recreation and visitor-serving uses provided, however, that no individual owner shall be prevented from making and proceeding with a separate application for residential development, if full notice is given to other owners of such proceeding so that overall development and management may be discussed during the consideration of any such application.*

*Also required is residential (if any) clustering and substantial open space available for on-site recreational use by hotel patrons and the public and to require protection of adjacent State Parks land.*

LCP policies related to the Point Lobos Special Treatment Area state:

*4.4.3.F. The "Special Treatment" overlay is intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for specifically designated properties where a mix of uses are permitted and/or where there are unique natural and scenic resources or significant recreational/visitor-serving opportunities. Particular attention is to be given towards siting and planning development to be compatible with existing resources and adjacent land uses. ...The Point Lobos Ranch [covers] roughly 1,600 acres. Policies governing the type and intensity of uses and the location of development for [this Special Treatment Area] are contained in preceding sections of this chapter, [and] are provided in greater detail as follows:*

#### *4.4.3.F.4. POINT LOBOS RANCH*

*The entire Point Lobos Ranch, consisting of the Hudson and Riley properties, shall be designated for "Special Treatment" in order to facilitate a comprehensive planned development as described in policy 4.4.3.E.9, capitalize upon the significant recreational and visitor-serving opportunities offered by the ranch, and protect its unique scenic and natural resource values. The following policies, in addition to applicable policies in*



*Section 4.4.3, D. Commercial, and E. Residential, shall govern the types and intensities of allowable uses on the ranch:*

- a. Visitor-serving facilities shall be allowed on both the Hudson and Riley properties. Each property may be permitted up to 120 visitor-serving units, for a total of 240 units.*
- b. The existing residential density on the Flatlands portion of the Ranch is permitted to remain (10 units on 143 Riley acres; 4 units on 200 Hudson acres).*
- c. An overall density of 1 unit per 10 acres (i.e., 16 additional residences) may be permitted on the portion of the Hudson property within the Flatlands area and one unit per 5 acres (i.e. 12 additional residences) may be permitted on the portion of the Riley property as an alternative to the permitted visitor-serving facilities.*
- d. The density credit for new residential development for the upper portions of the ranch ("Intermediate Terrain" and "Uplands") shall be as specified per policy 4.4.3.E.10 (i.e. 1 unit per 40 or 80 acres, which equates to 8 units for the Riley holdings and 20 units for the Hudson holdings). Preference should be given to clustering this development and/or transferring it to the Flatlands pursuant to policies 2.2.4.10.b and 4.4.3.G.3.*

*If clustering of this development and/or a transfer of density from either the Riley or Hudson Intermediate Terrain or Uplands is provided and the completion of overall development and management plans for both properties is coordinated to the greatest extent possible, residential development and visitor-serving facilities shall both be permitted on the Flatlands areas of the Riley holdings and the Hudson holdings, however not to exceed a total visitor-serving units of 276 and a total new residential units as herein permitted for the entire Point Lobos Ranch.*

- e. The maximum residential density for the Riley property if developed exclusively as residential units shall be a total of 30 units (i.e. 8 units on the Uplands, 10 existing residential units, and 12-units on the Flatlands). The maximum residential density for the Hudson property if developed exclusively as residential units shall be 40 (i.e. 20 units from the intermediate and Uplands areas, 16 units on the Flatlands, and 4 existing family residential units).*
- f. Employee housing shall be required as an addition to the permitted number of residential units and shall conform to policy 4.4.3.H.2.b, but not to exceed a maximum of 36 employees.*
- g. Shared access to serve new development on both properties shall be required and located and designed so as to have least impact on Point Lobos Reserve and on through traffic on Highway one.*
- h. Trails for public access shall be required to connect the Gowen Cypress annex, Huckleberry Hill and Point Lobos Ridge areas.*
- i. If both lodge facilities are developed in the flatlands area of the ranch, a joint-use*

*conference center for functions associated with the hotel(s) may be constructed. Ancillary facilities shall be in scale with the lodge facility.*

*j. Completion of overall development and management plans for both properties shall be required and shall be coordinated to the greatest extent possible.*

*k. Lower cost visitor serving facilities shall be provided in the ratio of at least one unit (e.g. hostel bed, campground space) for every five average or high-cost hotel units pursuant to policies 4.4.3.D.3, 4.4.3.D.5 and 4.4.3.D.7, however, not to exceed a total of 276 visitor-serving units.*

Carmel Area Land Use Plan policies relevant to development of large properties and ranches, and which also apply to Special Treatment areas include the following:

*4.4.3.G.1. The development of large properties (over 50 acres) and ranches should be guided by an overall management plan. The plan should reflect the long-range open space values, and low-intensity recreation, and how development of the property will be phased over time.*

*4.4.3.G.2. The County will assist large property owners in securing agricultural, conservation and scenic easements on their properties to reflect the low-intensity development appropriate in such rural areas.*

*4.4.3.G.3. The County will assist large property owners in determining and planning for appropriate land uses, which will sustain the property in an undivided state over the long term. On large parcels, clustering is encouraged to preserve open space and recreational use opportunities, especially adjacent to existing parkland.*

*4.4.3.G.4. Owners of large properties should carefully consider tax benefits available through working with non-profit conservation agencies or trusts, such as the California Coastal Conservancy, the Big Sur Land Trust, the Trust for Public Lands, and the Nature Conservancy.*

## **2. Substantial Issue Determination**

### **a. Appellants' Contentions**

State Parks contends that because the project lies within a special treatment area (the Point Lobos Ranch), there is a need for a comprehensive plan. The BSLT contends that the project is being developed without development of a comprehensive plan as required by the LCP. The BSLT notes that a "comprehensive plan is needed to ensure reasonable and appropriate development of the Point Lobos Ranch." The BSLT also contends that circumstances have changed since certification of the LCP, inferring that the LCP is out of date with regard to current land use trends in the Point Lobos Ranch area. (see Exhibit D for full text of contentions)

### **b. County Action**

The County approval was for a 10 room bed-and breakfast on a parcel within Point Lobos

Ranch. In approving the project, the Monterey County Board of Supervisors found:

*The Carmel Area Land Use Plan placed a special treatment overlay for the Point Lobos Ranch. The original overlay dealt with the comprehensive development plan for the Riley and Hudson portions of the Point Lobos Ranch. That plan called for the development of 240 visitor serving units (120 for Riley and 120 for Hudson) and/or a total of 70 residential units (30 for Riley and 40 for Hudson). At this time, the Whistler Subdivision (7 residential units, consisting of 3 existing lots and 4 new lots) is the only other development approved on the Riley portion. Subsequently, the majority of the Point Lobos Ranch was purchased by the Big Sur Land Trust, and is proposed for addition to Point Lobos Reserve (California State Parks). The remainder of the parcels are privately owned. The proposed bed and breakfast facility and the Whistler Subdivision are on the Riley portion of the Point Lobos Ranch. The two projects as proposed would not exceed the development densities for the Riley portion, as defined in the Carmel Area Land Use Plan. Even if all the residential units were [sic] converted to bed and breakfast facilities, with development restrictions of existing structures, the density development would not exceed the visitor serving densities as defined for the Riley portion of the Point Lobos Ranch. Review of the 10 existing dwelling units, including the transfer of development rights associated with the Whistler Subdivision which allows visitor serving uses, finds the bed and breakfast facility is consistent with the development policies for the Point Lobos Ranch in the Carmel Area Land Use Plan and Coastal Implementation Plan, and where applicable, have been addressed with conditions of approval.*

Additionally, Condition 41 requires that, prior to use of the bed and breakfast facility, the applicant

*"...shall develop an information brochure on the rules and regulations of the Point Lobos State Reserve. The information brochure shall be distributed to all guests staying at the facility, and shall be approved by the Director of Planning and Building Inspection."*

### **c. Substantial Issue Analysis and Conclusion**

In order to find substantial issue, the Commission must determine that the project is proceeding absent, or in conflict with, the comprehensive planning for the Ranch required by the LCP. There is some validity to the appellants' contention in this regard. The various governing policies mandating comprehensive planning (i.e., Land Use Plan policies 4.4.3.G.1, 4.4.3.E.9, 4.4.3.5, 4.4.3.F.4 introduction, and 4.4.3.F.4.j) emphasize planning for both future land uses and their management.

There is no question that a certain level of comprehensive planning occurred. A comprehensive plan covering the entire Point Lobos Ranch was prepared by Paul Davis Associates for both property owners (Hudsons and Rileys). It was submitted to the County as a complete application in the early 1990's. The plan illustrated how the development potentially allowed under the LCP would be sited on Point Lobos Ranch. It included a hotel and some residential uses.

This expansive development proposal never reached the County approval stage. Instead, the private property owners sold large portions of their holdings to the Big Sur Land Trust (BSLT)

for eventual transfer to the State Parks system (see Exhibit G). However, on the Riley portion of the Ranch four private inholdings not sold to the BSLT remain, including the subject 5.4 acres and a 24 acre parcel both on the Flatlands. This latter parcel was recently approved by the County for a residential subdivision into seven lots. In order to approve the subdivision the County addressed this issue of comprehensive planning as follows:

*Evidence: The property owners have participated in and prepared an overall planning effort for the entire Whisler property, including a comprehensive planned approach for both the Riley Ranch property and the Point Lobos Ranch property. The proposed seven parcels are clustered, and the 317 acre Upland portion of the property will be voluntarily placed in a permanent Conservation and Scenic Easement, limiting development to one unit...*

*Evidence The certified Carmel Area Coastal Implementation Plan (Part 4), Chapter 20.146 "Regulations for Development in the Carmel Area Land Use Plan", Development in the Riley Ranch portion of the Point Lobos Special Treatment. The Carmel Area Land Use Plan placed a special treatment overlay for the Point Lobos Ranch. The original overlay dealt with the comprehensive development plan for the Riley and Hudson portions of the Point Lobos Ranch. That plan called for the development of 240 visitor serving units (120 for Riley and 120 for Hudson). At this time, the Rancho Chiquita Associates (PLN 970284) Bed and Breakfast facility (10 unit bed facility) and the Hudson residence with guest house (PLN 980631) are the only other developments approved on what is mapped in the Land Use Plan as the Riley Ranch portion of the property. Subsequently, the majority of the Point Lobos Ranch was purchased by the Big Sur Land Trust, and is proposed for addition to Point Lobos Reserve (California State Parks). The remainder of the parcels are privately owned. The Whisler Combined Development Permit, the Hudson house, and the Rancho Chiquita Associates project as proposed will not exceed the development densities for the Riley portion of the ranch as defined in the Carmel Area Land Use Plan. At maximum buildout (including this Combined Development Permit, Rancho Chiquita Associates, and potential conversion of dwelling units to Visitor Serving Uses as summarized in the chart below...the maximum potential number of units for the area is as follows:*

<i>Riley flatland parcel (24.25 acres)</i>	<i>7</i>
<i>Rancho Chiquita Associated (PLN 970284) 5 acre parcel bed and breakfast</i>	<i>10</i>
<i>Riley upland parcel (317 acres) under Voluntary conservation easement</i>	<i>1</i>
<i>Riley / Hudson flatland parcels (1 existing, 1 new)</i>	<i>2</i>
<i>Hudson (Regan) parcel (8 acres)</i>	<i>2</i>

*(potential for bed and breakfast)*

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*This private development totals much less than the maximum allowed in the Carmel Area Land Use Plan. No development will occur on the state Parks and Recreation property until the Department prepares a General Plan, pursuant to State law. The maximum amount of development will be what is allowed by the Carmel Area Land Use Plan, minus that enumerated above for the inholdings. Although, since the land has been publicly acquired primarily for habitat preservation purposes, it is anticipated that the overall intensity of development will be much less.*

*Evidence: A Point Lobos Ranch master plan was privately prepared, as detailed in correspondence from Mark Blum, applicant's representative, dated September 29, 1999 ... This plan demonstrates how density allowed by the Carmel Area Land Use Plan could be located on the Ranch. Subsequently, the majority of the Ranch was sold to the Big Sur Land Trust for eventual transfer to State Parks and Recreation. Thus, the Master Plan for the site comprises what is planned to occur on the remaining private inholdings plus what may occur on the property proposed for eventual transfer to State Parks and Recreation.*

Some of the expected results from mandating comprehensive planning have occurred. It is clear that the large portions of the Ranch will be a state park. There is evidence that consultation among the original property owners occurred. There is also evidence that consultation also occurred as to the sale of the property and the ultimate acquisition by the Department of Parks and Recreation. There has been agreement on future residential use of the private inholdings, as detailed in the County findings.

Nonetheless, some of the expected results from mandating comprehensive planning have not satisfactorily occurred, namely (1) agreement on visitor-serving density and private visitor-serving use; (2) specificity as to management; and (3) future park uses.

**(1) Visitor-Serving Use and Density:** There is disagreement over visitor-serving densities, which is an indication that the County's findings in this regard are lacking.

The total Riley holdings were 460 acres, separated into an upland area a lower area. The subject site is a 5.4 acre portion of this 137 acre lower area. The Riley holdings were entitled to up to 120 visitor units under the *Carmel Area Land Use Plan*<sup>1</sup>. The units were not assigned to any particular location; this would be determined by the comprehensive planning process for Point Lobos Ranch. The Riley/Whisler family sold some of its holdings on the lower portion of the Ranch to the current applicant (Rancho Chiquita Associates). As part of the sale, the Riley/Whisler family interests transferred their visitor-serving credits to Rancho Chiquita

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<sup>1</sup> If a high-cost visitor facility were built, it was to have a low-cost visitor component in the ratio of at least one low cost unit for every five high cost units. In that case, the maximum number of visitor units allowed was 138. Therefore, the maximum development could have been 115 high cost and 23 low cost units.

Associates.<sup>2</sup> In turn Rancho Chiquita sold about 114.6 acres to BSLT; retaining the subject 5.4 acres.<sup>3</sup> (see Exhibit G)

The appellants' belief is that since large portions of the Ranch were acquired for public use, including the areas where the intensive visitor-serving uses were planned to go by the private parties prior to the acquisitions, there should be no residual visitor-serving credit left which could occur in existing buildings remaining on the private inholdings. BSLT asserts, "In 1993 when BSLT purchased the property surrounding the subject B&B conversion, the development rights were purchased too." (Leavy to Wan 3/23/00). The applicants' belief is, "The BSLT's assertion that it paid "value" to acquire the development rights for the property has no factual support." (Dyer to Chance 11/3/99) The applicants maintain that they still possess the visitor-serving credits that would have accrued to the property that they purchased from the Riley/Whisler interests and still retain. They have submitted into the record a copy of a July 1984 agreement that shows they did purchase all of the visitor-serving credits as part of the 1984 land sale. BSLT submitted a copy of the agreement between that organization and Rancho Chiquita regarding the 1993 sale of 114.6 acres to BSLT. This agreement does not specifically reserve the visitor-serving credits to the seller.

The County's approval of the subject bed and breakfast is an endorsement that the site is entitled to at least ten visitor-serving units. The problem is that there is a lack of definitive discussion of the allocation of visitor-serving credits in the County findings and cited evidence. The apparent best test of the County's allocation finding is proportionality according to the standards of the LCP. Since Rancho Chiquita Associates retained only 4.5% of their land, the equitable argument is that they retained 4.5% of their visitor-serving density credits or 5 credits. Additionally, if they were to establish a higher cost facility, they would be required to provide one lower cost unit, which could be a bonus unit, given the potential extra 18 visitor-serving units allocated under the LCP. The County findings allocating them 10 visitor-serving credits for this one proposed bed and breakfast fails to meet this proportionality test. No substitute rationale has been put forth to which all parties have agreed. Furthermore, in the absence of a detailed and legally binding rationale for the allocation that the County has determined for the Point Lobos Ranch, it could easily be changed. The result could then be a further disproportionate amount of visitor-serving units occurring on the privately owned portions of Point Lobos Ranch. For these reasons, a substantial issue is raised as to the appropriate density for development on the subject site.

**(2) Management Planning:** Another issue has been a lack of adequate management planning. As noted and cited, certain *Land Use Plan* policies include management as a component of the planning that should occur for Point Lobos Ranch. There is no evidence that the planning and findings to date have adequately addressed management issues associated with the development that can occur on the Ranch. In reviewing the LCP in light of the evolving ownership pattern

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<sup>2</sup> The Riley/Whisler interests (Whisler Family Trust) subsequently received the aforementioned County approval for a seven lot residential subdivision on 24.25 acres that they had retained.

<sup>3</sup> An additional 4.19 acres on what was the Riley flatland became the aforementioned separate Hudson residential parcel.

and the requested bed and breakfast use, the Commission finds that it is important to ensure compatibility of uses, particularly with respect to private in-holdings in public lands.

For this appeal, the State Department of Parks and Recreation believes that "the proposed bed and breakfast project is an incompatible use on the Ranch and should be denied by the Commission." However, there is no convincing evidence to support this assertion. Compatibility should be achievable between the proposed private bed and breakfast use and the public park use. Visitor-serving uses are found in and around many State Park units, suggesting that compatibility between uses is possible. For example, the Mangles bed and breakfast is accessed by the road to, and is on property abutting, Nicene Marks State Park in Santa Cruz County. There are no reported problems with this arrangement. Access around the subject Rancho Chiquita property is preserved on road easements; thus, the bed and breakfast will not be an impediment to future hikers going from the northern portion to the southern portion of this part of Point Lobos Ranch when it becomes a park. Access to the bed and breakfast is on a short stretch of road that the landowners retained an easement to use and that serves other private inholdings as well.

Nonetheless, although a bed and breakfast use may appear compatible with a State Park on its face, conflicts that typically attend to in-holdings in public parks may still arise. For example, bed and breakfast visitors could go onto portions of the State Park that are off-limits, bring pets that would harm the fauna or flora on the Park, or drive and park in places or at times that conflict with Park rules. Monterey County conditioned the subject permit to require an information brochure on the rules and regulations of Point Lobos State Reserve for the bed and breakfast patrons. This initiative is not sufficient to ensure against such use conflicts; absent some additional management planning.

**(3) Specificity of Uses:** Finally, it is not clear what will occur on the land that will become a state park. Since the property is being purchased with Proposition 117 money, the uses will have to relate to the purposes of mountain lion habitat conservation. That objective does not preclude overnight visitor uses. (Wright to Hyman 3/22/00). The LCP still shows this area as appropriate for visitor-serving uses, other state parks themselves contain such units in various forms (e.g., lodges, hostels, campgrounds), and there are several buildings that could be used for this purpose, as well as substantial potentially developable land. State Parks estimates that it would be two years after it finishes acquiring all of the land in 2003 before a general development plan is completed (i.e., by 2005 at the earliest). Given this framework, there does not appear to be the need to know more precisely what will occur on the State Parks holdings in order to act on this bed and breakfast project, since it is to occur on the private lands. The policy language (4.4.3.E.9) that allowed the two private owners (Hudson and Riley families) to proceed with residential development separately, although not literally applicable to the current situation, supports this finding.

**Conclusion:** The Commission can accept the County's finding that some level of comprehensive planning has satisfactorily occurred for Point Lobos Ranch. The Commission can also find that given the ownership changes, it is not necessary to have a detailed, comprehensive plan covering the entire Ranch before any development can be allowed,

especially since it may be years before State Park planning occurs. And, a bed and breakfast use on a private inholding is potentially acceptable and compatible with the other planned land uses for the Ranch. However, the Commission can not find that the County allocation and approval of ten units to Rancho Chiquita is consistent with the LCP. Additionally, the Commission can not find that the County permit has sufficiently addressed specific conflicts that might arise between land uses, especially as the State Park use evolves. LCP Policies 4.4.3.F.4.j and 4.4.3.G.cited above go beyond requiring comprehensive development planning; they also introduce a management element into the discussion of overall use compatibilities at the Ranch. To date, there is no evidence that this type of planning has occurred. Therefore, a substantial issue is raised by aspects of this first contention.

Part of the appellants' contention is that the LCP is out-of-date. Implicit in this argument is that any allocation of the maximum density allowed is flawed. The LCP is not necessarily out of date. The main tenets of the LCP as they relate to the Point Lobos Ranch are: priority for visitor uses, compatibility between residential and recreational uses, careful siting of any new facilities, and coordination among those who own land within and adjacent to Point Lobos Ranch. All of these principles remain valid today. And the LCP's visual, habitat and other policies governing development remain sound. They will guide whatever level of use and development that State Parks determines appropriate for its holdings. At the same time, since the LCP was written when Point Lobos Ranch was entirely privately-owned, the maximum intensities of uses shown for it might be different had the LCP been prepared in light of the current mix of private and public ownership. But, the LCP's allowed uses are maximums, subject to other LCP policies, including protection of sensitive habitat. These densities do not have to occur. State Parks is in the process of submitting a local coastal program amendment to the County that would suggest lower overall densities on both the public and private portions of the Ranch (see Exhibit H). Even if this amendment is adopted, it would not affect the subject project because the application is already in process.

## **C. BED AND BREAKFAST LAND USE**

### **1. Relevant Local Coastal Program Provisions**

The *Carmel Area Land Use Plan* designates the subject site as "Resource Conservation: Forest and Upland Habitat" with a Special Treatment Overlay. This underlying designation is defined under Section 4.5.A as follows:

*Protection of sensitive resources, plant communities, and animal habitats is emphasized. Only very low intensity uses and supporting facilities compatible with protection of the resource are allowed. Appropriate uses can include carefully controlled low-intensity day-use recreation, education and research and beach sand replenishment. Two types of Resources Conservation areas are shown on the plan map....*

*Forest and Upland Habitats - This designation applies to environmentally sensitive forest habitat, grassland, scrub, or chaparral habitat and to upland riparian habitats. It also applies to public or private reserves or open space areas set aside for resource preservation or research. The resource maps supplement provides specific information*



*regarding the various resources. This designation is applied to Point Lobos Reserve and the DeAmaral Preserve.*

Policy 4.4.3.A.1 provides:

*Only the minimum level of facilities essential to the support of recreational, educational, or scientific use of Resource Conservation areas shall be permitted. Facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife.*

The site is zoned, "Resource Conservation." The purpose of this district is found in *County Code* Section 20.36.010:

*The purpose of this Chapter is to provide a district to protect, preserve, enhance, and restore sensitive resource areas in the County of Monterey. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams, beaches, dunes, tidal areas, estuaries, sloughs, forests, public open space areas and riparian corridors. The purpose of this Chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.*

One of the conditionally allowed uses is found under Section 20.36.050:

*D. Legal nonconforming use changed to a use of a similar or more restricted nature;*

In addition to the policies cited in the above finding, Section 4.4.3 of the *Carmel Area Land Use Plan* contains specific development policies for residential and recreation and visitor serving commercial uses. Almost verbatim provisions are found in the *Coastal Implementation Plan*. Relevant policies include:

*4.4.3.D.1. Visitor-serving facilities are presently located in existing developed areas. Expansion of existing facilities or the location of new facilities within existing developed areas is preferred over development elsewhere. ...*

*4.4.3.D.4. Proposals for development of new or expansion of existing recreation and visitor-serving facilities should be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan, maximum site and parcel densities, and environmental, visual, design and traffic safety constraints. The expansion and development of recreation and visitor-serving facilities should be of a scale and nature that is compatible with the natural and scenic character of the area.*

*The maximum intensity [specified] in the plan for visitor-serving sites shall not be required to be reduced because of a finding of inadequate traffic capacity on Highway 1, unless maximum permitted intensity in this plan of residential use is correspondingly reduced.*

*4.4.3.D.6. Development of intensive recreation and visitor-serving facilities except for recreational vehicle campgrounds, gas stations and grocery stores, may be permissible*

on the Point Lobos Ranch in the "Flatlands" areas. The development of lodge or inn facilities must be of a scale and nature that is compatible with the natural scenic character of the area. Development shall provide for low-intensity public recreation and/or low-cost visitor-serving facilities. More specific requirements and provisions are set forth in Section F. Special Treatment.

4.4.3.D.7. In the Flatlands area of Point Lobos Ranch, conversion of existing ranch buildings not essential to ranch operations to visitor-serving units may be appropriate. Conversion to a hostel for hikers and cyclists is encouraged. The hostel units if low cost should be considered as an additional increment to the maximum number of lodge units allowed by the plan. However, if higher cost facilities are proposed, the number of units converted to visitor-serving uses shall be considered as part of the allowable maximum number of visitor-serving units for Point Lobos Ranch.

Monterey County Coastal Implementation Plan Section 20.64.100 contains the following "Regulations for Bed and Breakfast Facilities":

*C. Regulations: A bed and breakfast facility may be allowed in all districts which allow residential use and where found to be consistent with the Monterey County Local Coastal Program on any lot in any zoning district that allows residential uses subject to a Coastal Development Permit in each case and subject to the following regulations:*

1. *The property owners shall occupy and manage the bed and breakfast facility. The facility shall not be affiliated with hotels or motels operating anywhere in the County of Monterey.*

2. *No more than 10 guest rooms may be allowed in 1 facility.*

3. *No long-term rental of rooms shall be permitted. The maximum stay for guests shall not exceed 29 consecutive days in a 30 day period and no more than 60 days in a one year period.*

4. *The facility shall provide parking on site at the rate of 1 space per guestroom plus two spaces for the owners.*

5. *Each bed and breakfast facility may have a maximum of one sign not exceeding 4 square feet in area. Such sign shall be attached to the residence, and shall not be internally illuminated.*

6. *Such facilities shall be subject to the transient occupancy tax. (Chapter 5.40, Monterey County Code)*

7. *Any cooking facility must comply with State and County codes.*

*D. In order to grant the Coastal Development Permit the Appropriate Authority shall make the following findings:*

1. *That the establishment of the bed and breakfast facility will not under the circumstances of the particular application be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.*

2. *That the proposed bed and breakfast facility complies with all applicable requirements of Section 20.64.100(C) of this Title.*

3. *That the proposed bed and breakfast facility will not adversely impact traffic conditions in the area.*

4. *That adequate sewage disposal and water supply facilities exist or are readily available to the lot.*

5. *That the proposed bed and breakfast facility is consistent with the Monterey County Local Coastal Program.*

6. *That the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.*

## **2. Substantial Issue Determination**

### **a. Appellants' Contentions**

State Parks and BSLT express concern over the conversion of a barn into four bed and breakfast units. BSLT contends that "conversion of non-commercial structures to commercial structures may set a dangerous precedent" in the Point Lobos Ranch area. (see Exhibit D for full text of contentions)

### **b. County Action**

Finding #1 notes that the *Monterey County Coastal Implementation Plan*,

*Title 20 allows bed and breakfast facilities in all districts that allow residential use. The bed and breakfast facility proposed with this project would be located within an existing residential dwelling. The regulations for the bed and breakfast facility were incorporated as conditions of approval.*

Finding #1 also contains as evidence:

*The Resource Conservation zoning district, as well as the existing Scenic Easement on the property would restrict all future development on the property. No new development would be allowed on the property and the bed and breakfast facility would only be allowed in existing structures.*

### **c. Substantial Issue Analysis and Conclusion**

In order to find substantial issue, the Commission would need to find that the project is not an

allowed use on the subject site.

The site has a "Resource Conservation" district zoning which is very restrictive, not generally allowing new structural development. This designation was applied to the site because it is subject to a scenic easement limiting new structures. However, the three subject structures that would constitute the new bed and breakfast are legal, non-conforming uses. Two are residential structures. Under the cited provisions, the County treats bed and breakfasts as residential uses. Thus, the conversion of these two structures is permitted pursuant to Section 20.36.050.D ("Legal nonconforming use changed to a use of a similar or more restricted nature."). Additionally, cited policy 4.4.3.D.7 is supportive of the reuse of the ranch buildings for visitor-serving purposes.

The third structure is a barn. The appellants argue against allowing the barn to be converted as well. Whether the *County Code* is so permissive depends on the interpretation of whether the bed and breakfast is similar to or more restrictive than the barn use. According to the applicant's representative the barn has variously been used to board horses, as storage, and for woodworking. It has not had a residential or visitor-serving use. The County made no finding as to consistency with this provision. Thus, a substantial issue is raised because there is at least some doubt as to whether a bed and breakfast can be found similar or more restrictive than these barn uses.

## D. ARCHAEOLOGICAL RESOURCE PROTECTION

### 1. Relevant Local Coastal Program Provisions

Section 2.8. of the *Carmel Area Land Use Plan* includes the following key policy with regard to archaeology and the following operative policy:

*2.8.2. Carmel's archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.*

*2.8.3.2 Whenever development is to occur in the coastal zone, the Archaeological Site Survey Office or other appropriate authority shall be contacted to determine whether the property has received an archaeological survey. If not and the parcel are in an area of high archaeological sensitivity, such a survey shall be conducted to determine if an archaeological site exists. The Archaeological Survey should describe the sensitivity of the site and recommend appropriate levels of development and mitigation consistent with the site's need for protection.*

Section 20.146.090 of the *Monterey County Coastal Implementation Plan* contains additional procedural detail on preparing archaeological reports.

## 2. Substantial Issue Determination

### a. Appellants' Contentions

BSLT and State Parks contend that there would be significant potential for disturbance of archeological resources by grading associated with construction of the ten-space parking lot. (see Exhibit D for full text of contentions)

### b. County Action

In approving the project, including a parking lot, the County findings (#1) note that, while the parcel is located in a high archaeological sensitivity area, "...no new development is proposed with this project, and no potential for disturbance of cultural resources..." would be expected. Thus, no condition requiring that a licensed archaeological consultant be present during grading for parking lot or landscaping activities was imposed. The staff report further explained,

*Staff made a site visit prior to the submittal of the application for the proposed project. Staff determined that no grading was proposed for the parking areas. The area proposed for the parking area has historically been used as a parking area for the existing agricultural uses. The project would not have the potential of impacting cultural resources. In addition, the applicant has recently submitted material from a previous archaeological report prepared for the property which indicated that potential cultural resources in the area are located northerly of the project site.*

### c. Substantial Issue Analysis and Conclusion

The subject site is in an area of high archaeological sensitivity. Therefore, an archaeological report should have been prepared, prior the application being considered complete (Section 20.146.090.B.2). Although not covered in the Initial Study, the applicants submitted an archaeological report. It showed various sites in the vicinity of the proposed parking lot, but not at the precise location of the lot. Therefore, no substantial issue is raised by this contention.

## **E. CONVERSION AND MODIFICATION OF EXISTING WATER SYSTEM**

### **1. Relevant Local Coastal Program Provisions**

Section 2.3.4 of the *Carmel Area Land Use Plan* includes the following policies with regard to riparian corridors:

*2.3.4.2. Riparian Corridor and Other Terrestrial Wildlife Habitats. The State Water Quality Control Board and the California Department of Fish and Game, in coordination with the County of Monterey, should establish and reserve instream flows sufficient to protect and maintain riparian vegetation, fishery resources and adequate recharge levels for Protection of groundwater supplies.*

Section 2.4.4.A. of the *Carmel Area Land Use Plan* includes the following policies with regard to water availability:

*2.4.4.A.1. New development shall be approved only where it can be demonstrated by the*

*applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. At the County's discretion, applicants may be required to submit a hydrologic report certifying sustained yield of the water source to serve new development outside of existing water utility service areas.*

*2.4.4.A.2. As part of the permit process, the applicant must also demonstrate that the proposed new water use or use intensification will not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish, and plant communities, and the supply available to meet the minimum needs of existing users during the driest year. At the County's discretion, the applicant may be required to support his application through certification by a consultant deemed qualified by the County to make such determinations. The County will request that the Department of Fish and Game provide a written recommendation on each application.*

*2.4.4.A.5. Any diversion of surface sources of water shall be required to submit an approved water appropriation permit from the State Water Resources Control Board prior to approval of any coastal development permit except where such water appropriation permit is not required by applicable State law.*

Section 3.2.3.1 of the *Carmel Area Land Use Plan* contains the following policy related to water supply:

*3.2.3.1. The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development other than infilling of existing vacant lots. In addition, 0.056 acre-feet/year of water is reserved for each visitor-serving unit permissible under this Plan.*

## **2. Substantial Issue Determination**

### **a. Appellants' Contentions**

State Parks contends that the project will require conversion and modification of an existing water system (i.e., agricultural water system to potable water system), and that the project will draw water from San Jose Creek underflow (i.e., groundwater). BSLT contends that water withdrawal from the creek would have a potential adverse impact. The RCMP contends that the applicant has failed to demonstrate that there will be no adverse impacts on water as required by LCP policies (LUP 2.4.4 A.1). State Parks adds that the applicant needs to get or show evidence from the SWRCB that a riparian or appropriative water right has been established for withdrawal from San Jose Creek (as required by LUP 2.4.4.A.5). The RCMP further states that the Monterey County LCP is out of date and significantly inaccurate with regard to its water supply sections. (see Exhibit D for full text of contentions)

### **b. County Action**

In approving the project the County found (Finding # 6) that the project was reviewed by the

Monterey County Water Resources Agency. Conditions 20 through 26 describe requirements related to installation of water system improvements, water availability and septic system repair and expansion. Condition #26 ensures that the Point Lobos Ranch water system will conform with all permit requirements imposed by the Monterey Peninsula Water Management District.

Conditions 30 and 31 also require the applicant provide information on the water system to serve the project including the location of all water wells on the property, available well logs and current hookups as well as installing a water meter on the system and limiting water use for the bed and breakfast facility to 9.45 acre feet per year (AF/yr).

The staff report provides further information:

*Staff review of the file determined that the water use from the Point Lobos Ranch Water Distribution System, which is located in the San Jose Creek watershed, for the proposed bed and breakfast would be the same as the historic use of that water system. The file identifies that water use for the bed and breakfast facility would be limited to 9.45 acre feet per year. The Point Lobos Ranch Water Distribution System is a system that serves several properties in the general area. The historic water use on the property is 9.45 AF/yr. As a condition of approval, the applicant would be required to place a water meter on the well. In addition, an annual report will be required to be submitted to the Monterey Peninsula Water Management District and Water Resources Agency, showing that the bed and breakfast facility will not exceed the historic water use for the property. With the water use remaining the same, the bed and breakfast facility would not impact the riparian area any more than has historically taken place.*

*The California Red-Legged Frog (*Rana aurora draytonii*) and the west coast Steelhead (*Oncorhynchus mykiss*) were not discussed in the Initial Study. However, County Staff has concluded that since the proposed water use will be consistent with historical use no impact will occur to the species.*

#### c. Substantial Issue Analysis and Conclusion

In order to find substantial issue, there would have to be a lack of demonstration of no adverse impacts from the project's water use. Water will be supplied by the Point Lobos Water Distribution System. Evidence in the file shows that the water system is legal in being a pre-existing Water Distribution System in terms of Monterey Peninsula Water Management District purview. The system is served by a well located on the Polo field on Point Lobos Ranch near San Jose Creek. The system is not metered; with overall production estimated to be 23.72 acre-feet per year. The system has eight approved connections, including one to the subject parcel. Historically, the system has been limited to supplying irrigation water, with domestic water being supplied by CalAm.

As noted, there is not expected to be an increased water use as a result of this project. Therefore, changing the use of the system from irrigation to domestic consumption is not a supply concern. To ensure that water use is not increased, the project is conditioned to limit water use to the historic levels supplied by the Point Lobos System, which was estimated to be 9.45 AF/yr. However, some of the water serving the project site now is supplied by CalAm. This water

source will be terminated. CalAm water comes primarily from Carmel River, which is being overdrafted. Therefore, terminating reliance on CalAm water is not of concern. It is estimated that the bed and breakfast will require 1.1 AF/yr. of water to serve its patrons. The balance of water goes to irrigate pasture land and turf on the property. In order to use Point Lobos System water for domestic consumption as well, the applicants propose to reduce the amount of turf area irrigation. They have illustrated and provided calculations as to how this will be accomplished. Therefore, there will be no increase in water use emanating from the well and an overall decrease in use of CalAm water on the property under the conditions of approval.

The County approval implies that this conclusion satisfies the required finding of no adverse impact. This would not necessarily be the case for a larger project. However, given the relatively small amount of water involved and the fact that it is taken from a well outside of San Jose Creek, there may not be adverse impacts. The only way to make a definitive conclusion in this regard would be for a watershed study that examines available water in the creek and the aquifer, current and future potential water withdrawals, and the needs of the fish and other flora and fauna. Even then, it may prove difficult to make a definitive conclusion as to isolating impacts from a specific groundwater withdrawal like the subject one. The applicants have provided a 1978 hydrologic report that portrays a healthy groundwater basin, but does not directly examine impacts. Thus, while the applicants could have been required to better demonstrate the effects of their project, the issue does not rise to the level of being substantial issue for the reasons stated.

## **E. TRAFFIC AND PUBLIC ACCESS**

### **1. Relevant Local Coastal Program Provisions**

In addition to policy 4.4.3.D.4 giving priority to visitor generated traffic cited in finding #2, Section 3.1.3 of the *Carmel Area Land Use Plan* contains the following transportation policies:

*3.1.3.1. To conform to the Coastal Act, most remaining highway capacity should be reserved for coastal priority uses: recreation and visitor-serving facilities, agriculture, and coastal-dependent industry. Commitment to further residential development through subdivision should be extremely limited. Traffic shall be monitored in order to provide a basis for decision-making.*

*1.3.3. Studies of Highway 1 capacity and means to improve the highway's level of service along the Big Sur Coast should be expanded to include the section of Highway 1 in the Carmel area. Caltrans should conduct origin and Destination Studies of traffic on Highway 1 in the Carmel area on a regular basis in order to provide up to date information on trends in recreational and residential use of the highway.*

*3.1.3.5. All highway improvements shall be consistent with the retention of Highway 1 as a scenic two-lane road south of the Carmel River. This policy is not intended to preclude widening of the Carmel River bridge, if necessary, or providing adequate access to properties in the vicinity of Point Lobos. The overall objective for Highway 1 should be to maintain the highest possible standard of scenic quality in management and maintenance activities carried on within the State right-of-way. Bike lanes and left turn*



*lanes are permitted.*

Section 4.4.3.I. of the Monterey County Carmel Area Land Use Plan includes the following policies with regard to commercial visitor-serving facilities:

*4.4.3.I.2. Expansion of existing commercial visitor-serving facilities or development of new facilities shall be approved only where requirements for adequate parking and wastewater disposal and for protection of natural resources can be fully satisfied. Adequate parking shall include all uses on the subject site (e.g. hotel units, restaurant, employees, day use facilities).*

*4.4.3.I.4. Similarly, new commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking should be screened from public views from Highway 1 as far as possible and should in no event create traffic hazards or danger for pedestrians. However, commercial uses of a recreational or visitor-serving nature shall not have their maximum permitted intensity required to be reduced because of a finding of inadequate traffic capacity on Highway 1, unless maximum permitted intensity in this plan of residential use is correspondingly reduced.*

Section 5.3. of the Carmel Area Land Use Plan includes the following policies with regard to parking and public access:

*5.3.3.8.a. A site is considered potentially suitable for parking if all of the following criteria are met: ...*

*7. Safe ingress to and egress from Highway 1 should be possible.*

*8. The proposed parking area should entail minimum conflicts with surrounding land uses.*

## **2. Substantial Issue Determination**

### **a. Appellants' Contentions**

The RCMP contends that the project would increase traffic congestion in the area and would thereby reduce and discourage coastal access in the area. The BSLT contends that the traffic study should be revised since it was prepared prior to abandonment of the Hatton Canyon Freeway project. (see Exhibit D for full text of contentions)

### **b. County Action**

The County required that a traffic study be prepared. In approving the project, the County found (Finding # 4) that the proposed bed and breakfast facility will not adversely impact traffic conditions in the area, and refers to the November 1997 traffic study prepared for the project by Higgins Associates, Inc. The finding states:

*"The proposed project, which includes the traffic study has been reviewed by the Monterey County Department of Public Works and with incorporation of the condition*

*18, 19, and 20, [sic, really 17, 18, & 19] there is no indication from that Department that the site is not suitable."*

County permit condition 17 and 18 require the applicant to widen Highway 1 to provide a southbound left turn lane at Riley Ranch Road to the approval of Caltrans and the Department of Public Works and improve Riley Road to the approval of the local fire jurisdiction, respectively. Condition 19 requires a contribution for the cost of Highway 1 Operational Improvements. Condition #36 requires parking at the rate of one space per guest room plus two spaces for the owners.

### c. Substantial Issue Analysis and Conclusion

In order to find substantial issue, the project's parking or road access would have to be lacking. The evidence does not support such a determination. The proposed project is located close to Highway One on Riley Ranch Road, which intersects the Highway near the entrance to Point Lobos Ranch State Reserve.

As required, a traffic study was prepared. As noted, the study concluded that the proposed project would create little traffic impact. It found that an additional six or seven peak hour trips would be generated. The traffic generated by this project is about one percent of existing traffic which is not significant. In any event, the LCP gives priority to visitor-serving projects. The traffic study noted that Highway One operates at Level of Service C in the vicinity of the subject site. By way of background, Highway One's capacity is more limited further south at certain times. Both the *Carmel Area* and *Big Sur Coast* LCPs thus strictly limit the amount of new residential and commercial development, while recognizing that any additional development would have some additional adverse impact on the highway. Thus, consistent with the Coastal Act, both LCPs give priority to visitor-serving uses. This does not obviate the need to ensure that the traffic situation will not worsen appreciably in the project's vicinity. In this case, the traffic report recommends a turn lane on Highway One and improvements to Riley Ranch Road. Policy 3.1.3.5 quoted above allows for such a turn lane. With this measure, it is not apparent how other tourist traffic in the area will be adversely impacted by this project. In fact it can be anticipated that many users of this facility will be tourists on the highway themselves.

In terms of the larger issue of Hatton Canyon not being constructed, the traffic study is not based on the Hatton Canyon bypass happening. Nevertheless, there will no doubt have to be future efforts to address traffic in the vicinity of the subject site in the absence of a new bypass. One initiative is the joint Coastal Commission and Caltrans Coast Highway Management Plan. The results of this study could be some management measures as embodied in some of the Land Use Plan policies, such as a shuttle for visitors. Construction of the new bed and breakfast should not affect the conclusions of this study. In conclusion, no substantial issue is raised by this contention with regard to traffic.

## **F. VISUAL ISSUES**

### **1. Relevant Local Coastal Program Provisions**

*Carmel Area Land Use Plan* policies regarding visual resources in the Carmel Area include the

following:

*The term "viewshed" or "public viewshed" refers to the composite area visible from major public use areas including 17-Mile Drive views of Pescadero Canyon, Scenic Road, Highway 1 and Point Lobos Reserve as shown on Map A in the LUP.*

Map A shows that the proposed Rancho Chiquita project area is within the public viewshed.

Section 2.2.2 of the *Carmel Area Land Use Plan* contains the following key policy for visual resource protection in the Carmel area:

*To protect the scenic resources of the Carmel area [in] perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.*

Additional relevant policies include:

*2.2.3.9. Landowners will be encouraged to donate scenic easements to an appropriate agency or nonprofit organization over portions of their land in the viewshed, or, where easements already exist, to continue this protection. Viewshed land protected by scenic easements required pursuant to Coastal Permits shall be permanently free of structural development unless specifically permitted at the time of granting the easement.*

*2.2.4.3. Residential, recreational and visitor-serving, and agricultural access shall be provided by existing roads and trails, where possible, to minimize further scarring of the landscape, particularly of the visible slopes.*

*2.2.4.10.b. Where clustering of new residential or visitor-serving development will preserve desirable scenic and open space areas or enable structures to be sited out of the viewshed, it shall be preferred to more dispersed building site plans.*

*4.4.3.1.4. ... Parking should be screened from public views from Highway 1 as far as possible ...*

*5.3.3.3.e. ... Parking, restrooms and other facilities should be sited, designed and, where appropriate, screened so as not to be visible from major public viewpoints and viewing corridors. Exceptions may be made for facilities provided for in this Plan.*

*5.3.3.8.a. A site is considered potentially suitable for parking if all of the following criteria are met:*

*2. Improvement for parking would entail minimum land disturbance and would have minimal impact upon environmentally sensitive habitats and other sensitive resources.*

3. *Parking improvements would not degrade the public viewshed or obstruct public views to the shoreline.*

## 2. Substantial Issue Determination

### a. Appellants' Contentions

State Parks and the BSLT contend that conversion of the barn to a bed and breakfast is inconsistent with an existing scenic easement that prohibits new business/commercial structures. The RCMP contends that the area is a sensitive coastal resource area in that it is a highly scenic area and is within the General Viewshed defined by the Monterey County Carmel Area LUP (see Exhibit D for full text of contentions).

### b. County Action

The County approval Findings (# 5) acknowledge that the existing structures on the subject property are highly visible from State Highway One and Point Lobos State Preserve. The findings state,

*"...The project would be [the] conversion of an existing single family dwelling, cottage and barn to a bed and breakfast facility. No significant changes are proposed to the exterior of the structures. Condition 4 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure(s) located in a critically visually sensitive area will be given full consideration by the Planning Commission."*

Condition # 4 requires a deed restriction "...stating that because of the visual sensitivity of Point Lobos, all exterior design changes, including color changes associated with repainting and reroofing, shall be approved by the Planning Commission". This condition is intended to "... make the present owners of the property aware of the Planning Commission concerns related to design changes on this critically visually sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns." Condition #5 requires an exterior lighting plan. Condition # 28 requires a landscape plan and condition #29 requires on-going maintenance of the landscaping. Condition # 37 limits the size and placement of signs.

### Substantial Issue Analysis and Conclusion

In order to find substantial issue, the new project component, i.e., the parking, would have to be significantly visible from Highway One. The evidence indicates otherwise.

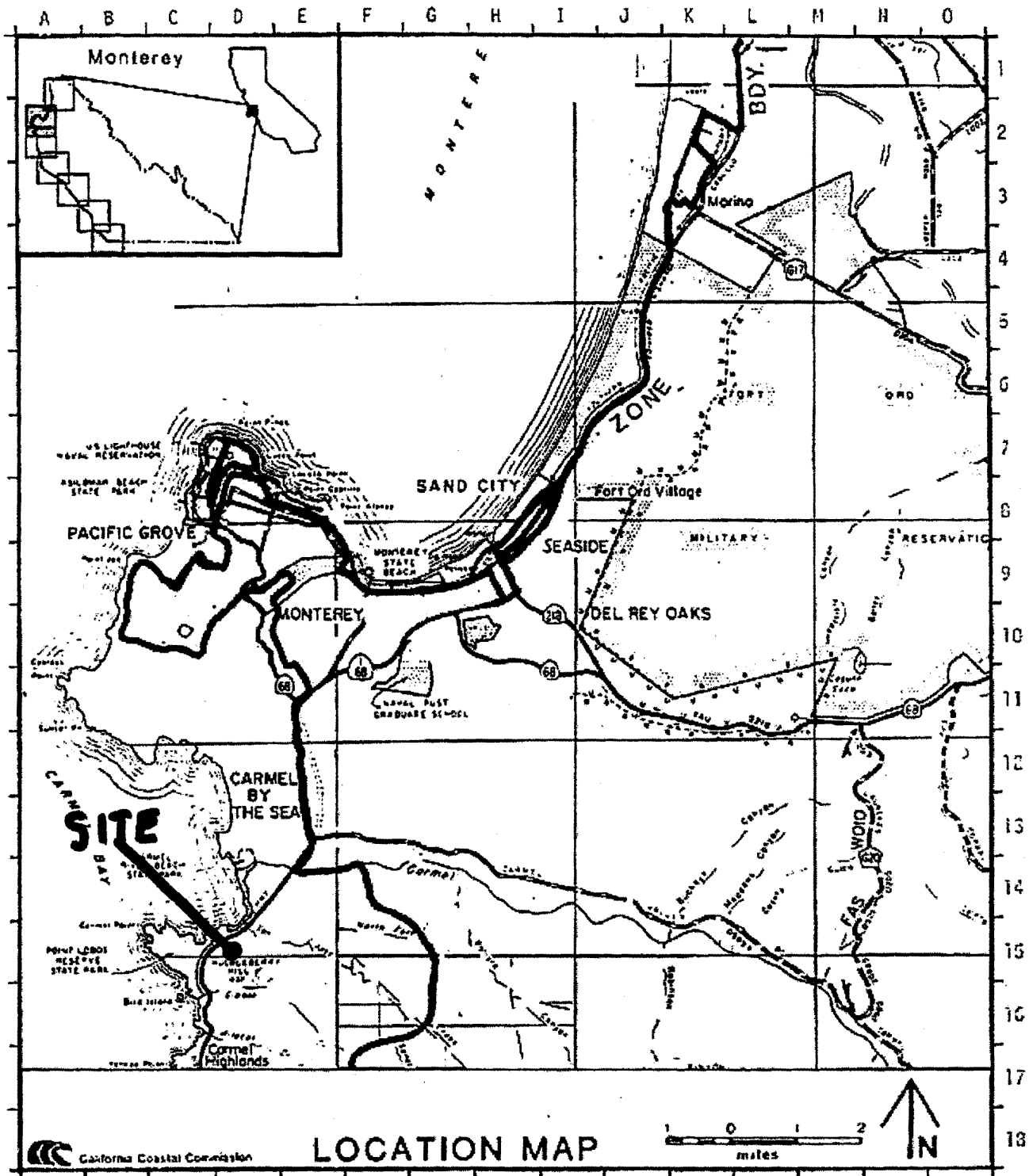
The two appellants' contentions are off-point. The contention that the existing scenic easement is violated is not a contention of an LCP policy violation. The easement in question is between the State and the landowners, agreed to prior to the Coastal Act (in 1933). Nevertheless, the terms of the easement are not violated. The scenic easement is a restriction on new buildings and does not contain any restrictions on reuse of existing buildings. Nor does it prohibit new parking lots.

The contention that the property falls in a sensitive resource area is not an LCP policy violation either. One criteria for sensitive coastal resources areas includes viewshed lands. But, only the

Coastal Commission can designate sensitive coastal resource areas and it has not so designated any to date.

Nevertheless, the cited policies are derived in part from this background. The "Resource Conservation" district is a very limited district in terms of allowing new uses. It was applicable to apply to this part of Point Lobos Ranch precisely because there was already a scenic easement in place restricting new development. The "RC" designated area is immediately adjacent to and highly visible from Highway One and Point Lobos State Reserve on the other side of the highway.

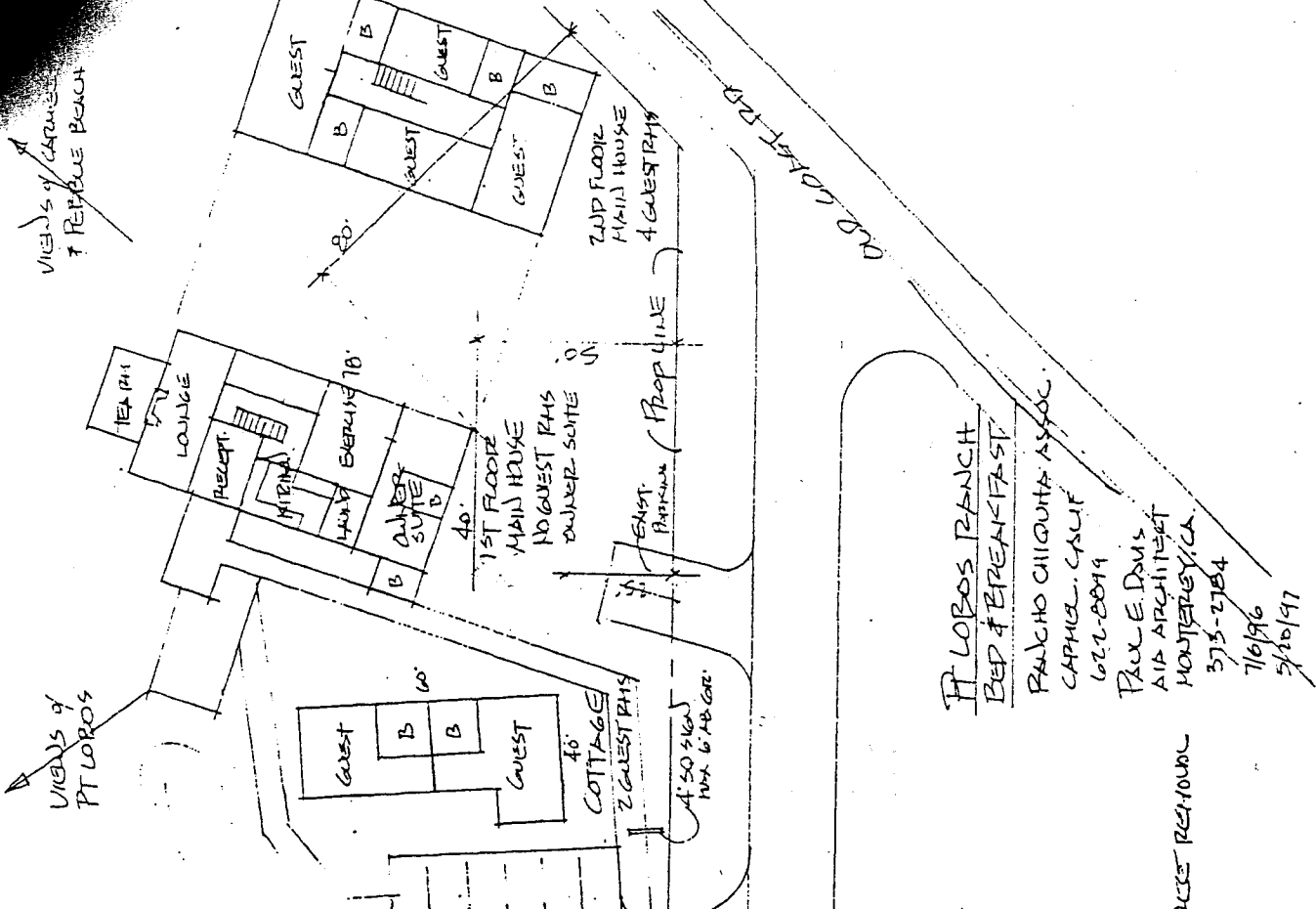
The only potential visual impact from this project is from the vehicles that will be in the new parking lot. The buildings exist and are part of the historic and visual character of the area. So giving them a new life will help further visual protection policies. A berm is planned to shield the vehicles from the view of Highway One and landscape screening is required as well. Thus, there should be no adverse impact on the public viewshed from the parking lot. Therefore, no substantial issue is raised with regard to the County's visual protection policies.



County of Monterey

Sheet 2 of 7

EXHIBIT NO. A
APPLICATION NO.
A-3-MCO-99-92
Project Location



PASTURE

PROPERTY 5.4AC  
AP 243-112-15

SITE IS ESSENTIALLY  
FIRST & NO EXIST. TRILLES  
WILL BE CHANGED.

GRADING ONLY  
LOWER PARKING AREA  
CREATE BEHIND TO SCRUBBY PARADISE  
FROM HWY 1

COUNTY OF MONTEREY  
ASSessor's MAP  
BOOK 203 PAGE 11

**F LOROS RANCH**  
BED & BREAKFAST  
RANCHO CHICOITA ASSOC.  
CARMEL, CALIF  
622-8814  
PAUL E. DAVIS  
AIA ARCHITECT  
MONTEREY, CA  
373-2784  
7/6/96  
5/20/97

NO GRADING OR TRUSS REMOVAL

SITE/FLOOR PLANS 1"-30"

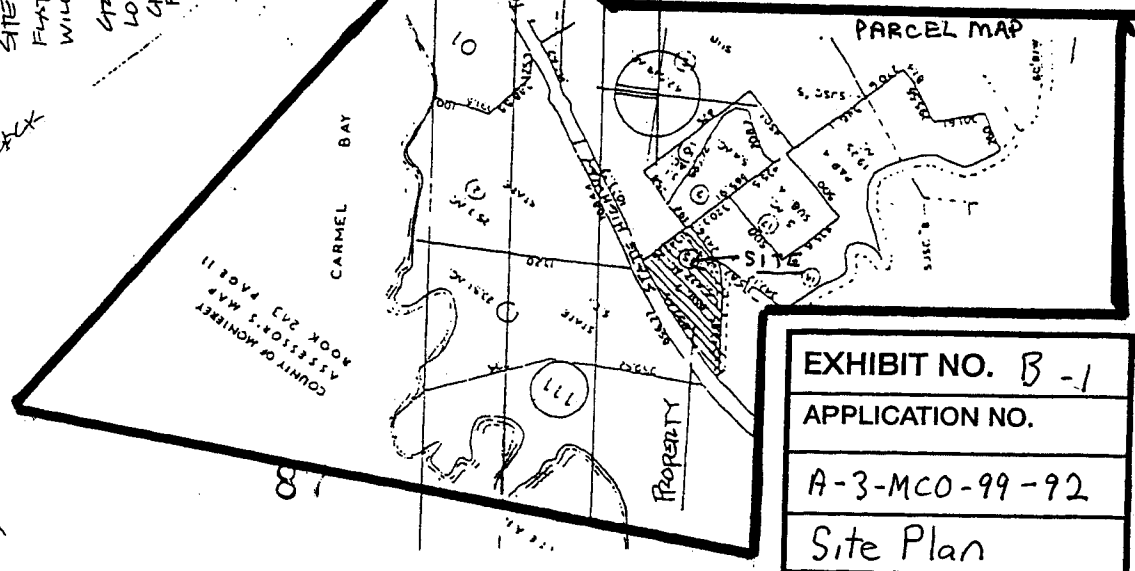
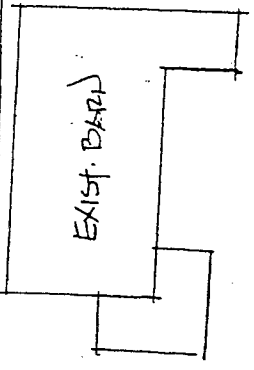
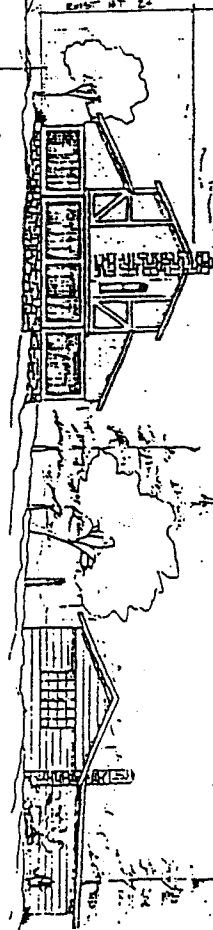
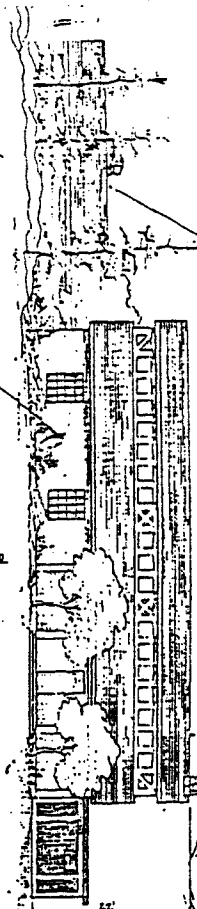
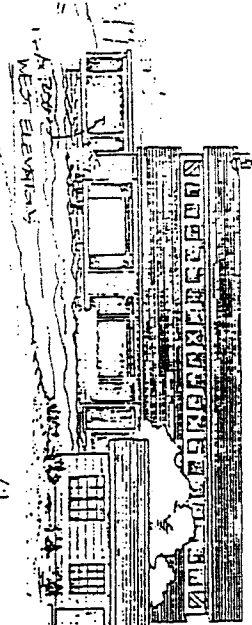


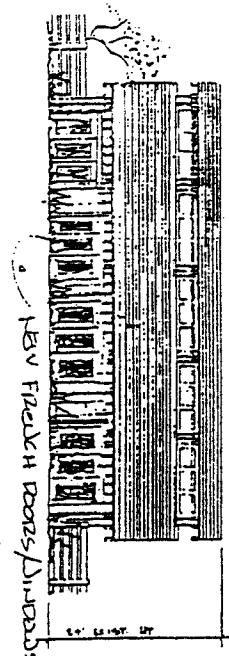
EXHIBIT NO. B-1
APPLICATION NO.
A-3-MCO-99-92
Site Plan



52

EXIST. MAIN SIDE WING  
1ST LEVEL SUITE SUITE / RECEPTION / LOBBY  
2ND LEVEL 4 GUEST RMS

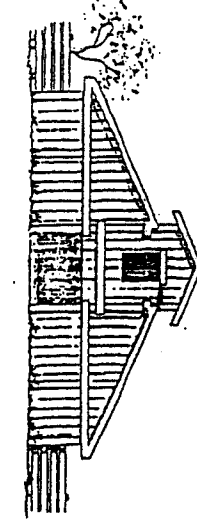
EXIST. COTTAGE  
2 GUEST RMS



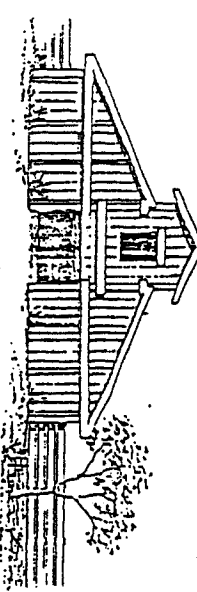
EXIST. BARN & GUEST RMS



EXIST. SUITE DOORS & W. WOODS



WEST ELEVATION

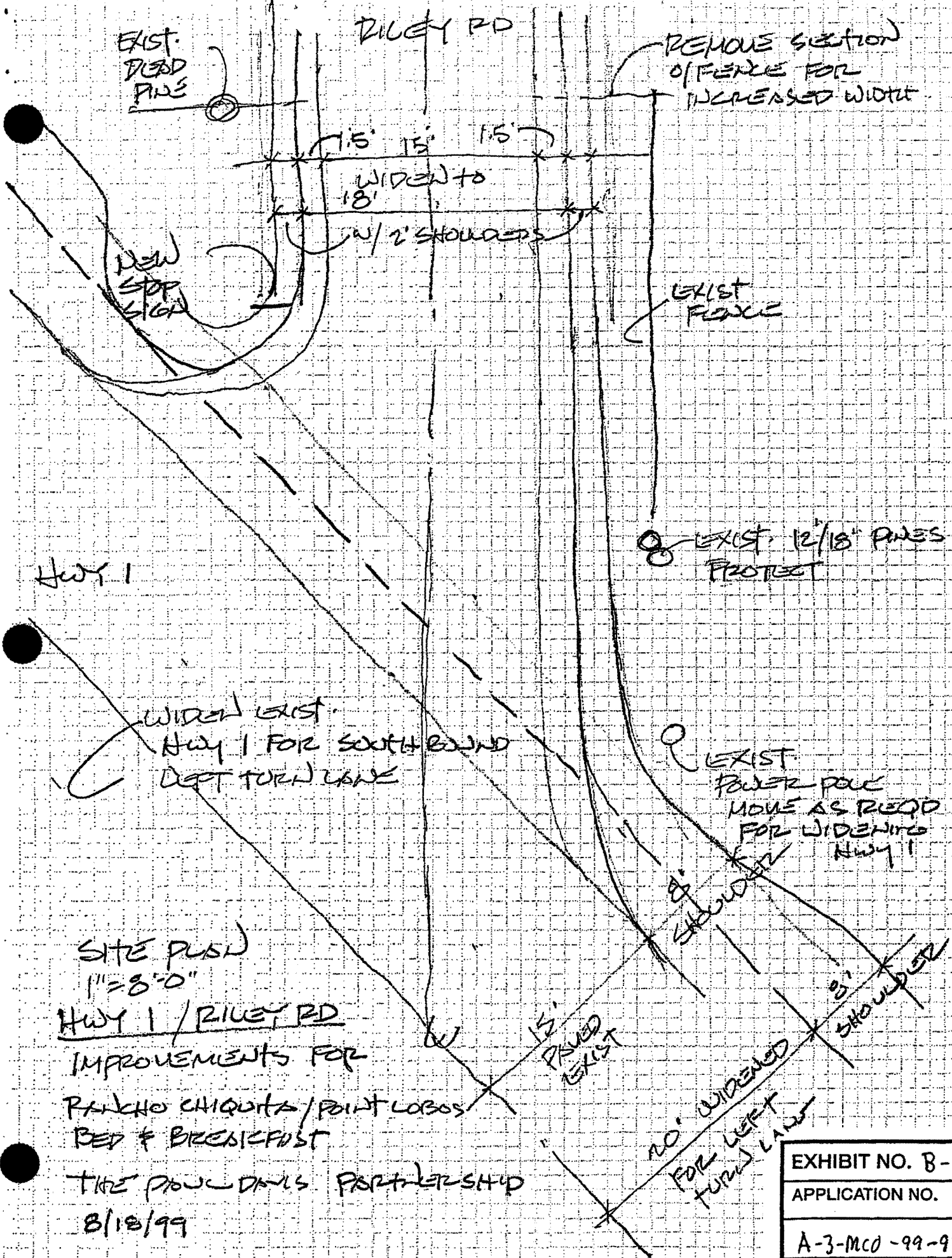


EAST ELEVATION

PROPOSED  
EXTERIOR ELEVATIONS  
FLOORS PLAN  
BED & BREAKFAST  
RANCH CHAIRS ASSOC  
PAUL E. IRONS  
AIA ARCHITECT  
7/6/96

EXHIBIT NO. B  
APPLICATION NO.  
A-3-MCO-99-92  
Elevations





SITE PLAN  
 1" = 8'-0"  
 HWY 1 / RILEY RD  
 IMPROVEMENTS FOR  
 RANCHO CHIQUITA / POINT LOBOS  
 BED & BREAKFAST  
 THE PAUL DAVIS PARTNERSHIP  
 8/18/99

EXHIBIT NO. 8-3
APPLICATION NO.
A-3-MCO-99-92
Hwy 1 Intersection

NOV 22 1999

Before the Board of Supervisors in and for the  
County of Monterey, State of California

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Resolution No. 99-410 -- )  
Resolution to adopt the Negative Declaration )  
and approve the Coastal Development Permit )  
and Design Approval for Rancho Chiquita )  
Associates/Ted Richter for the conversion of )  
an existing single family dwelling, a barn, and )  
cottage to a 10 unit bed and breakfast facility, )  
located at Highway One and Riley Ranch Road )  
in the Carmel area of the Coastal Zone. )

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-MCO-99-168 (9)  
APPEAL PERIOD 11/23-12/8/99

WHEREAS, this matter was heard by the Board of Supervisors (Board) of the County of Monterey on November 9, 1999, pursuant to the appeals by Big Sur Land Trust, California State Parks and Recreation, and Responsible Consumers of the Monterey Peninsula (RCMP).

WHEREAS, the property which is the subject for this appeal is located at Highway One and Riley Ranch Road in the Carmel area of the Coastal Zone, in the County of Monterey (the property).

WHEREAS, the applicant filed with the County of Monterey, an application for a Coastal Development Permit and Design Approval for Rancho Chiquita Associates/Ted Richter (PLN970284) for the conversion of an existing single family dwelling, a barn, and cottage to a 10 unit bed and breakfast facility.

WHEREAS, An Initial Study was prepared for the Rancho Chiquita Associates/Ted Richter's application for the Coastal Development Permit and Design Approval (PLN970284) and a Negative Declaration was filed on May 26, 1999.

WHEREAS, Rancho Chiquita Associates/Ted Richter's application for the Coastal Development Permit and Design Approval (PLN970284) came for consideration before the Planning Commission at a public hearing on September 8, 1999.

WHEREAS, at the conclusion of the public hearing on September 8, 1999, the Planning Commission adopted the Negative Declaration and approved the Coastal Development Permit and Design Approval; on the basis of the finding, evidence and conditions contained in the Planning Commission Resolution No. 99053.

WHEREAS, the appellants, Big Sur Land Trust, California State Parks and Recreation, and Responsible Consumers of the Monterey Peninsula (RCMP) timely filed the appeals from the Planning Commission's decision alleging that the findings are not supported by the evidence and the decision was contrary to law.

EXHIBIT NO. C
APPLICATION NO.
A-3-MCO-99-92
County Approval

WHEREAS, pursuant to the provisions of the Monterey County Zoning Ordinance (Title 20) and other applicable laws and regulations, the Board, on November 9, 1999, heard and considered the appeal at a hearing de novo.

WHEREAS, at the conclusion of the hearing, the matter was submitted to the Board for a decision. Having considered all the written and documentary information submitted, the staff reports, oral testimony, and other evidence presented before the Board of Supervisors, the Board now renders its decision to adopt findings, evidence and conditions in support of the Coastal Development Permit and Design Approval as follows:

### FINDINGS

1. FINDING: The project as proposed consists of a Coastal Development Permit and Design Approval for the conversion of an existing single family dwelling, barn, and cottage to a 10 unit bed and breakfast facility. The project site is located at Highway One and Riley Ranch Road, (Assessor's Parcel Number 243-112-015-000) in the Carmel area of the Coastal Zone. The property is zoned "RC/SpTr(CZ)", Resource Conservation/Special Treatment for development in the Point Lobos Ranch. The proposed development, as described in the application and accompanying materials and as conditioned, is consistent with the plans, policies, standards and requirements of the Monterey County Local Coastal Program.

EVIDENCE: The Planning and Building Inspection Department reviewed the project, as contained in the application and accompanying materials for conformity with:

- 1) The certified Carmel Area Land Use Plan
- 2) The certified Monterey County Coastal Implementation Plan (Title 20-Part 1), zoning regulations for the "RC(CZ)" district in the Coastal Zone. Title 20 allows bed and breakfast facilities in all districts that allow residential use. The bed and breakfast facility proposed with this project would be located within an existing residential dwelling. The regulations for the bed and breakfast facility have been reviewed and incorporated as conditions of approval.
- 3) The certified Carmel Area Coastal Implementation Plan (Part 4), Chapter 20.146 "Regulations for Development in the Carmel Area Land Use Plan." Development in the Riley Ranch portion of the Point Lobos Special Treatment. The Carmel Area Land Use Plan placed a special treatment overlay for the Point Lobos Ranch. The original overlay dealt with the comprehensive development plan for the Riley and Hudson portions of the Point Lobos Ranch. That plan called for the development of 240 visitor serving units (120 for Riley and 120 for Hudson) and/or a total of 70 residential units (30 for Riley and 40 for Hudson). At this time, the Whistler Subdivision (7 residential units, consisting of 3 existing lots and 4 new lots) is the only other development approved on the Riley portion. Subsequently, the majority of the Point Lobos Ranch was purchased by the Big Sur Land

Trust, and is proposed for addition to Point Lobos Reserve (California State Parks). The remainder of the parcels are privately owned. The proposed bed and breakfast facility and the Whistler Subdivision are on the Riley portion of the Point Lobos Ranch. The two projects as proposed would not exceed the development densities for the Riley portion, as defined in the Carmel Area Land Use Plan. Even if all the residential units were converted to bed and breakfast facilities, with development restrictions of existing structures, the density development would not exceed the visitor serving densities as defined for the Riley portion of the Point Lobos Ranch. Review of the 10 existing dwelling units, including the transfer of development rights associated with the Whisler Subdivision which allows visitor serving uses, finds the bed and breakfast facility is consistent with the development policies for the Point Lobos Ranch in the Carmel Area Land Use Plan and Coastal Implementation Plan, and where applicable, have been addressed with conditions of approval.

- 4) The Resource Conservation zoning district, as well as the existing Scenic Easement on the property would restrict all future development on the property. No new development would be allowed on the property and the bed and breakfast facility would only be allowed in existing structures.

EVIDENCE: The project site is physically suitable for the proposed conversion to a bed and breakfast.

EVIDENCE: The parcel is located in a high archaeological sensitivity area of the Carmel area. However, no new development is proposed with this project, and no potential for disturbance of cultural resources.

EVIDENCE: Design Approval request form with recommendation for approval (vote: 4-0-2) by the Carmel Unincorporated/Highlands Land Use Advisory Committee on July 6, 1997.

EVIDENCE: The on-site inspections of the site by the project planner to verify that the proposed project complies with the Carmel Area Implementation Plan (Part 4).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 970284.

2. FINDING: The proposed project including all permits and approvals will not have significant adverse impacts on the environment and a Negative Declaration has been adopted by the Board of Supervisors. An initial study was prepared for the project and it was determined that the project, with the addition or mitigation measures, would not have significant impacts. A Negative Declaration was filed May 26, 1999, noticed for public review, and circulated to the State Clearinghouse. The Board of Supervisors considered public testimony and the initial study with mitigation measures. The Negative Declaration reflects the independent judgment of the County based upon consideration of testimony and information received and scientific and

factual data presented. All comments received on the Negative Declaration have been considered as well as all evidence in the record which includes studies, data, and reports considered in the Initial Study; information presented or discussed during public hearings; staff reports which include the County's independent judgment regarding the above referenced studies, data, and reports; application materials, and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- 1. Higgins Associates, Inc. Rancho Chiquita Point Lobos Bed and Breakfast Traffic Study. November 25, 1997.

The location and custodian of the documents and materials which constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted which refute the conclusions reached by these studies, data, and reports or which alter the environmental determinations based on investigation and the independent assessment or those studies, data, and reports by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency. Potential environmental effects have been studied and there is no substantial evidence in the record as a whole which supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 970284.

- 3. FINDING: For purposes of the Fish and Game Code, the project will not have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the administrative record as a whole indicate the project will not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

EVIDENCE: Initial Study and Negative Declaration contained in Project File No. 970284.

- 4. FINDING: That the proposed bed and breakfast facility will not adversely impact traffic conditions in the area.

EVIDENCE: A Traffic Study was prepared for the bed and breakfast facility by Higgins Associates, Inc. on November 25, 1997. The proposed project, which includes the traffic study has been reviewed by the Monterey County Department of Public Works and with incorporation of the condition 18, 19, and 20, there is no indication from that Department that the site is not suitable.

5. FINDING: Condition 4 achieves the purpose-applicability of Section 20.146.030 (Visual Resources Development Standards) of the Carmel Area Land Use Plan and Coastal Implementation Plan, which states: "That the County of Monterey contains many areas of unusual scenic beauty which are unique in the United States and which, if preserved, will constitute physical, social, spiritual, cultural, recreational, aesthetic, and economic resources of great value to the people of the county and to the public generally".
- EVIDENCE: Condition 4 requires the owners of the parcel to record a deed restriction indicating that "all exterior design changes, including color changes associated with repainting and reroofing, be approved by the Planning Commission. This condition serves to make the present owners of the property aware of the Planning Commission concerns related to design changes on this critically visually sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns."
- EVIDENCE: These existing structures are highly visible from State Highway, a state designated Scenic Highway and Point Lobos State Preserve. The project would be conversion of an existing single family dwelling, cottage and barn to a bed and breakfast facility. No significant changes are proposed to the exterior of the structures. Condition 4 will ensure that the present development and any subsequent exterior changes that may affect the visual character of the structure(s) located in a critically visually sensitive area will be given full consideration by the Planning Commission.
6. FINDING: In approving this Coastal Development Permit and adopting the Negative Declaration the Board of Supervisors find that the establishment, maintenance, or operation of bed and breakfast facility will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, the California Department of Forestry, Water Resources Agency, the Historic Resources Review Board and the Big Sur Land Use Advisory Committee. The respective departments, agency, board and committee have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
7. FINDING: The project is appealable to the California Coastal Commission.
- EVIDENCE: Section 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1).

## DECISION

THEREFORE, It is the decision of the Board of Supervisors that said Coastal Development

Permit and Design approval be approved as shown on the attached sketches, subject to the following conditions:

1. The Coastal Development Permit and Design Approval for the conversion of an existing single family dwelling, barn, and cottage to a 10 unit bed and breakfast facility. The project site is located at Highway One and Riley Ranch Road, (Assessor's Parcel Number 243-112-015-000) in the Carmel area of the Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection Department)

#### Prior to Commencement of Construction

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. (Planning and Building Inspection Department)
3. The applicant shall record a notice which states: "A permit (Resolution # ) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 243-112-015-000 on November 9, 1999. The permit was granted subject to 41 conditions of approval which run with the land. A copy of the permit is on file with the Monterey

County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. (Planning and Building Inspection Department)

4. Prior to commencement of construction, the applicant shall record a deed restriction stating that "because of the visual sensitivity of Point Lobos, all exterior design changes, including color changes associated with repainting and reroofing, shall be approved by the Planning Commission. This condition serves to make the present owners of the property aware of the Planning Commission concerns related to design changes on this critically visually sensitive lot and serves as a notice to any subsequent owners of the property of the aforesaid concerns." The deed restriction shall be subject to approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)
5. Prior to the commencement of construction, the applicant shall submit an exterior lighting plan for any new lights proposed on the structures, subject to approval by the Director of Planning and Building Inspection Department. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all exterior light fixtures and include catalog sheets for each fixture. All exterior lighting shall be unobtrusive, harmonious with the local area, fully shielded, and constructed or located so that only the intended area, is illuminated and off-site glare is fully controlled and no uplighting allowed. (Planning and Building Inspection Department)
6. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. (Carmel Highlands Fire District)
7. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Carmel Highlands Fire District)
8. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Carmel Highlands Fire District)
9. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (Carmel Highlands Fire District)
10. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. (Carmel Highlands Fire District)



11. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. (Carmel Highlands Fire District)
12. Minimum hydrant standards shall include a brass head and valve with at least one 2 ½ inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. (Carmel Highlands Fire District)
13. Each hydrant/fire valve or access to water shall be identified as follows:
  1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardent post, or
  2. If located along a street or road, a reflectorized blue marker, with a minimum of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway. (Carmel Highlands Fire District)
14. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. (Carmel Highlands Fire District)
15. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:  
"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation." (Carmel Highlands Fire District)
16. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (Carmel Highlands Fire District)
17. Widen Highway One to provide a southbound left turn lane at Riley Ranch Road, including a NO U-TURN SIGN subject to the approval of Caltrans and the Department of Public Works. (Public Works)
18. Improve Riley Road subject to the approval of the local fire jurisdiction. (Public Works)

19. Contribute 0.16% of the cost of the Highway One Operational Improvements. (Public Works)
20. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)
21. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
22. Prior to the issuance of a building permit, the applicant shall obtain a septic repair permit from the Division of Environmental Health and expand the septic disposal system which shall meet the standards per Chapter 15.20 Monterey County Code. (Environmental Health)
23. Prior to issuance of a building permit, obtain a new water system permit from the Division of Environmental Health. (Environmental Health)
24. Design the water system improvements to meet the standards as found in Chapter 22 of the California Code of Regulations. Submit engineered plans for the water system improvements and any associated fees to the Director of Environmental Health for review and approval prior to installing the improvements. (Environmental Health)
25. The developer shall install the water system improvements to and within the project prior to issuance of a building permit. (Environmental Health)
26. The Point Lobos Ranch WDS shall operate in conformance with all permit conditions imposed by the Monterey Peninsula Water Management District. (Environmental Health)
27. All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. As necessary, submit plans and necessary review fees for review and approval prior to final inspection/occupancy. Please contact the Division of Environmental Health for clearance. (Environmental Health)

**Prior to Commencement of the Use:**

28. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The landscape plan shall include landscaping to screen portions of the project without blocking views from State Highway One. Before commencement of the use, landscaping shall be installed. (Planning and Building Inspection Department)
29. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)
30. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. (Water Resources Agency)
31. Prior to commencement of the use of the bed and breakfast, the applicant shall install a water meter on the system providing water to the bed and breakfast facility. The water use of the bed and breakfast facility shall not exceed 9.45 AF/yr. The applicant shall provide the Monterey Peninsula Water Management District and Monterey County Water Resource Agency documentation annually of water use, including verification on the reporting of metered water deliveries. (Water Resources Agency and Monterey Peninsula Water Management District)
32. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)

**Continuous Permit Conditions:**

33. The property owners shall occupy and manage the bed and breakfast facility. The facility shall not be affiliated with hotels or motels operating anywhere in the County of Monterey. (Planning and Building Inspection Department)
34. No more than ten guest rooms may be allowed in one facility. (Planning and Building Inspection Department)

35. No long-term rental of room shall be permitted. The maximum stay for guests shall not exceed 29 consecutive days in a 30 day period. (Planning and Building Inspection Department)
36. The facility shall provide parking on site at the rate of 1 space per guest room plus two spaces for the owners. (Planning and Building Inspection Department)
37. Each bed and breakfast facility may have a maximum of one sign not exceeding 4 square feet in area. Such sign shall be attached to the residence and shall not be internally illuminated. (Planning and Building Inspection Department)
38. Such facilities shall be subject to the transient occupancy tax (Chapter 5.40, Monterey County Code) (Planning and Building Inspection Department)
39. Any cooking facility must comply with State and County Codes. (Planning and Building Inspection Department)
40. The facility shall have two guest rooms available for low cost visitor serving uses. (Planning and Building Inspection Department)
41. Prior to the use of the bed and breakfast facility, The applicant shall develop an information brochure on the rules and regulations of the Point Lobos State Reserve. The information brochure shall be distributed to all guests staying at the facility, and shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection Department)

Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and carried by those members present, the Board of Supervisors approves the Coastal Development Permit and Design Approval, by the following vote, to wit:

AYES: Supervisors Salinas, Calcagno and Johnsen.

NOES: Supervisors Pennycook and Potter.

ABSENT: None.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board Supervisors duly made and entered in the minutes thereof at page    of Minute Book 70, on November 9, 1999

Dated: November 9, 1999  
State of California.

SALLY R. REED, Clerk of the Board of Supervisors, County of Monterey.

By Nancy Lukenshell  
Deputy

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

FRONT STREET, STE. 300

SANTA CRUZ, CA 95060

(831) 427-4863

HEARING IMPAIRED: (415) 904-5200

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



RECEIVED

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

NOV 29 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

The Big Sur Land Trust

P.O. Box 221864

Carmel CA 93922

(831) 625-5523

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Monterey County Planning Commission & Monterey County Board of Supervisors

2. Brief description of development being appealed: Coastal Development Permit & Design Approval for conversion of single family dwelling, barn & cottage to a 10-unit bed & breakfast facility.

3. Development's location (street address, assessor's parcel no., cross street, etc.): State Highway One & Riley Ranch Road in Carmel Area of Coastal Zone across from Point Lobos State Reserve; APN: 243-112-015

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: Coastal Development Permit & Design Approval

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-99-092

DATE FILED: 11/29/99

DISTRICT: Central Coast

H5: 4/88

EXHIBIT NO. D
APPLICATION NO.
A-3-MCO-99-92
Appellants' Contentions

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator      c.  Planning Commission

b.  City Council/Board of Supervisors\*      d.  Other \_\_\_\_\_

\* On Appeal

Planning Commission: 09/08/99

6. Date of local government's decision: \* Board of Supervisors: 11/09/99

7. Local government's file number (if any): PLN970284

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Rancho Ciquita Associates

P.O. Box 3196

Monterey CA 93942

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) The Big Sur Land Trust

P.O. Box 221864

Carmel CA 93922

(2) CA Dept. of Parks & Recreation - Monterey District

2211 Garden Road

Monterey CA 93940

(3) Responsible Consumers of the Monterey Peninsula

P.O. Box 1495

Carmel CA 93921

(4) Also see attached Notification List

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

Exhibit D continued Appellants' Contentions A-3-MCO-99-92 Rancho Chiquita B&B

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attachment.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

THE BIG SUR LAND TRUST,  
By: ZAD LEAVY, Executive Director

  
Signature of Appellant(s) or  
Authorized Agent

Date 11/29/99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Applicant: Rancho Chiquita Associates (Bed & Breakfast Conversion)  
Appellant: The Big Sur Land Trust  
Local Govt. File No. PLN970284

**REASONS FOR APPEAL - ATTACHMENT, Page 1 of 2**

This project is in an "appeal area" as shown on the *Commission-adopted Post-LCP Certification Permit and Appeal Jurisdiction Map* and is therefore appealable. As an aggrieved person who appeared at the public hearing on Monterey County Planning Commission in connection with the decision, and who has exhausted local appeals by appealing the decision first to the Monterey County Board of Supervisors, Appellant is eligible to appeal the decision. Appellant respectfully presents the following reasons for appeal:

**1. Need for Comprehensive Plan; Transfer of Development Credits; Protection of Public Investment.** Point Lobos Ranch is identified in the Carmel Area Land Use Plan (a certified LCP) as a Special Treatment Area; said plan states that the entire Point Lobos Ranch shall be designated for special treatment in order to facilitate a comprehensive planned development. This project is inconsistent with the Carmel Area Land Use Plan in that it is being developed without the required comprehensive plan.

The 1,312 acre Point Lobos Ranch was purchased by appellant in 1993, and appellant has not given up nor transferred any of its development rights which were and are an integral part of the value of the property purchased in 1993; appellant still holds its proportional share of the development credits envisioned by the Carmel Area Land Use Plan. Any comprehensive planning for the Point Lobos Ranch must involve appellant and its intended use of its property, as well as all other interested owners of Point Lobos Ranch property, and must take into account current ownership patterns and uses. The informal planning claimed by the applicant is insufficient.

Circumstances have changed since certification of the LCP, as most of the surrounding land has been and is being purchased by the public for open space and wildlife habitat utilizing millions of dollars of Mountain Lion Initiative funding (Proposition 117). The proposed conversion of the existing structures from residential use to commercial visitor-serving bed & breakfast use conflicts with the visitor-serving aspects of a major state park designed to protect open space and wildlife habitat. A great benefit is being conferred upon the applicant whose development will be surrounded by the beauty of this open space and wildlife habitat. It is not unreasonable to require that the applicant's development be sensitive to and compatible with the public's open space and wildlife habitat use of the surrounding area.

The impact of this development in concert with the impact of numerous other pending (and soon to be pending) applications to intensify use within the boundaries of the future State Park demands comprehensive planning, including the modification of the LCP, if necessary. Monterey County is already working to evaluate and update its General Plan as it recognizes the significant changes which have occurred since it was adopted in 1982 (see attached newsletter); the Carmel Area Land Use Plan should likewise be evaluated and updated due to the significant changes which have occurred since it was adopted in 1983. The proposed development should not prejudice or be exempt from this comprehensive planning process.

**2. Conversion of Non-Residential Building; Precedent for Location.** Evidence supporting Finding #1 indicates that the project would be located within an existing residential dwelling, when in fact, the project also involves the conversion of a barn into four bed and breakfast units. This sets a dangerous precedent which could set the stage for many more bed and breakfast conversions on the Point Lobos Ranch from both residential and non-residential structures. In fact, adjacent landowner, Sharon Regan, has already made it clear that she intends to apply to the County to convert her residence and adjacent structure(s) to another 10-unit bed and breakfast facility. Again, a comprehensive plan is needed to ensure reasonable and appropriate development of the Point Lobos Ranch.



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**  
Applicant: Rancho Chiquita Associates (Bed & Breakfast Conversion)  
Appellant: The Big Sur Land Trust  
Local Govt. File No. PLN970284

**REASONS FOR APPEAL - ATTACHMENT, Page 2 of 2**

**3. Traffic Assumptions.** The evidence supporting Finding #4 was prepared in 1997 prior to the decision to abandon the Hatton Canyon Freeway project. The traffic study should be revised to take said decision into account.

**4. Potential for Disturbance of Archaeological Resources.** Evidence supporting Finding #1 states that the project is located in a high archaeological sensitivity area, that no new development is proposed within the project and that there is no potential for disturbance of cultural resources. In fact new development in the form of a 10-space parking lot is a part of this project and there is significant potential for disturbance of archaeological resources with the grading associated with construction of the parking lot.

**5. Water Rights; Potential for Destruction of Habitat.** Finding #3 indicates that the project will not have a potential for adverse impact on fish and wildlife resources. However, the water for the project will be drawn in whole or in part from the underflow of San Jose Creek which presents a potential for adverse impact. Further, the project proposes to convert an existing agricultural water system to a potable system. Applicant should be required to show evidence from the State Water Resources Control Board that riparian or appropriative water rights have been established. Again, a comprehensive plan for development of the Point Lobos Ranch would be helpful in determining the appropriate level of use.

**6. Contrary to Scenic Easement.** The proposed project is not consistent with the scenic conservation easement which is recorded on the official records of Monterey County. The barn was constructed in accordance with said easement which allows farms buildings; however, the conversion of the barn to a commercial bed and breakfast facility, and the construction of the parking lot in conjunction therewith, is inconsistent with the Intent of the easement which prohibits new structures for business or commercial purposes.

**7. Conclusion: Project Should Not Move Forward without Comprehensive Plan.** Requiring that a comprehensive plan be undertaken prior to allowing the project to move forward would ensure (1) that the rights of other Point Lobos Ranch property owners are not compromised or usurped; (2) that the substantial public investment in park land is protected; (3) that the appropriate precedent is set for permitting conversions of residential and/or non-residential structures to commercial uses in this area; (4) that cultural, wildlife habitat and scenic resources are appropriately protected; and (5) that this and future projects on the Point Lobos Ranch are undertaken in a manner consistent with the Carmel Area Land Use Plan.



# Monterey County 21<sup>st</sup> Century General Plan Update

Background Information for the Update of the Monterey County General Plan

No. 1 October 1999

## Where and how much new growth should occur in the county?

The Monterey County 21<sup>st</sup> Century Program is designed to address this question. You are invited to join with us in this important effort.

## Why the County Must Up-Date the General Plan

The Monterey County Board of Supervisors adopted the current General Plan in 1982. In the six years following its adoption, the area plans, specific plans, local coastal plans, and implementing ordinances were approved. Since the adoption of the General Plan and the area plans, there have been a total of 77 amendments. Together these documents and the amendments represent the county's land use plans. (See page 2, Adopted Plans.)

After more than a decade and a half of use, it is appropriate to re-evaluate the General Plan and the associated plans. State standards and professional practices for preparing general plans have evolved in the past two decades. Certain conditions have changed significantly, both locally and within the region. With limited County resources, service level decisions have become more challenging and have made implementation of needed infrastructure improvements difficult. For these reasons alone, there is a need to evaluate and update the existing General Plan's policies and programs.

This is not to say that we believe that a complete re-write of the plan is necessary. Extensive community involvement. Our task will be to identify and retain those policies and add additional policies that are needed to further clarify new directions.

Over the past seventeen years, it has also become apparent that the County can not act alone. As we approach this Up-Date we are more aware that we must develop regional solutions – with the cities and county working in concert with one another.

## General Plans: What They Do and Don't Do

General plans act as blueprints which lay out the future of growth and development within each jurisdiction. The Monterey County General Plan regulates how much and what kinds of development can take place and where it will occur within the unincorporated areas of the County. It covers all of the areas outside of the County's twelve incorporated cities.

State law requires that "each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgement bears relation to its planning." A General Plan is to be an integrated, internally consistent and compatible statement of development policies with diagrams and text setting forth objectives, standards, and plan proposals. The State law requires that the Plan cover land use, circulation, housing, conservation, open space, noise and safety.

In addition, local agencies may cover other topics of local concern. "Area Plans" or "Specific Plans" may be developed to provide more detailed direction in specific geographic areas of concern. These plans are a component of the overall General Plan, and must meet the same standards of consistency and compatibility.

## What If We Do Nothing?

In addition to the County's legal responsibility to prepare the General Plan to meet state requirements, the County's plans are used for consideration of proposed development projects. Failure to update the existing plan will mean:

- No overall coordinated plan with other jurisdictions
- Continued permit processing without the benefit of a comprehensive understanding of resource constraints.
- Extra costs to the community for environmental impact studies, CEQA, and other regulatory requirements.
- Potential for confusion and legal challenges.



The Board recognizes that the existing plans were developed after public input and goals that will reflect the community's values and interests.

## A message from the County Administrative Officer

The County of Monterey is a national treasure. The beauty of the coast, the drama of Big Sur, the world class golf courses, the charm of Carmel, and the historic significance of Cannery Row draw visitors from around the world. It is a place of truly unsurpassed beauty. The same county incorporates the most important agricultural resource in the world. Monterey County is the largest producer of dozens of crops and is the world leader in the international exportation of produce. Nearly one million acres of the richest farmland in the world are worked every day across the Salinas Valley.

Local government is committed to protecting these treasured resources. The importance of Monterey County's assets are recognized as an extraordinary stewardship responsibility by the County's political and executive leadership and by the business and civic community.

The treasures of Monterey County are threatened by the need to build affordable housing and commercial facilities to serve those who currently live and work here and a growing number of people who would choose to make this county their home. Changing work styles such as telecommuting offer the option for a larger and larger number of people to live in this wonderful place while maintaining a career in another community. As the Silicon Valley faces a substantial growth in jobs combined with the highest cost of housing in the country, the number of people willing to commute from Monterey County to the Bay Area is increasing. New home builders in Monterey County report increased number of sales to Bay Area commuters. Without effective intervention, the County is certain to face a deterioration in the quality of life in the area and a depletion in the quantity of land in agricultural production.

The County is initiating a process to update its general plan to incorporate more recent data. In doing so it must be noted that traditional land use processes have been criticized as having failed to objectively assess resource limits, adequately mitigate the cumulative environmental impacts of development, and satisfactorily bring major interest groups together to a point of agreement. For these reasons the traditional methods have provided only very limited protection of the environment, and have done so at a high price. In the past, expensive multi-year efforts to solicit community input and develop policies that control land uses while recognizing property rights, have yielded documents which attempt to reflect the needs of all through compromise and careful wording. The words in the end have meant different things to different readers, and both the environmental community and the development interest have spent the ensuing years arguing conflicting interpretations, litigating policy decisions, and often framing the debate around the funding of infrastructure which is needed for existing development.

This County, this national treasure, is facing the greatest challenge yet to its ability to protect its natural resources and has no available means to effectively meet this challenge. The County's governmental leadership is committed to finding a better way. Both the environmental community and the development community have expressed some willingness to consider an alternative approach - the Monterey County 21<sup>st</sup> Century Program.

The outcome of this effort is far from certain. It has not been done before. The urgency of the effort is enormous. Even two years from now may be too late to protect the resources of this area. We may fail in this effort. But we have no choice but to try our very best. It is our duty as the stewards of the most beautiful and agriculturally abundant place on earth.

Sincerely,  
Sally Reed County Administrative Officer



### Adopted Plans

#### Monterey County General Plan September 1982

- Toro Area Plan December 1983
- Las Palmas Ranch Specific Plan
- Greater Monterey Peninsula Area Plan December 1984
- Carmel Valley Master Plan (Dec. 1986)
- Carmel Valley Ranch Specific Plan
- Carmel Valley Village Dev. Criteria
- Fort Ord Reuse Master Plan**
- North County Area Plan July 1985
- Greater Salinas Area Plan October 1986
- Boronda Community Plan
- Central Salinas Valley Area Plan November 1987
- South County Area Plan December 1987
- Cachagua Area Plan November 1988

#### Monterey County Local Coast January 1998

- North County Land Use Plan June 1982
- Carmel Area Land Use Plan April 1983
- Del Monte Forest Area Land Use Plan September 1984
- Big Sur Coast Land Use Plan April 1986
- Big Sur River Management Plan
- Little Sur River Management Plan
- Part 1: Title 20/Zoning Ordinance (Coastal) January 1988
- Part 2: Regs. for Development in the NC LUP January 1988
- Part 3: Regs. for Development in the BS LUP January 1988
- Part 4: Regs. for Development in CML LUP January 1988
- Part 5: Regs. for Development in the DMF LUP January 1988
- Part 6: Appendices & Applicable County Ord. January 1988

## The 21<sup>st</sup> Century General Plan Up-Date Strives To Be Innovative

Traditional land use planning efforts often begin with staff working diligently to propose solutions and then circulating a draft plan for public comments. The County's Update process differs from this approach. The County is seeking community involvement at the very front end of the process by asking the community to participate in discussions about where and how growth should occur. The County would like to reach consent on key agreements about growth. These agreements will then be used to provide direction for the up-date process.

The 21<sup>st</sup> Century program is based on the fundamental belief that the Plan must belong to the community. It must represent the values and perspectives of the community and must be based on a process by which the community is provided sound information and then provided the setting to identify areas of agreement. For this reason, the County has committed to a public participation process that will involve the public in every step of the plan development process. The community will be asked to help in determining the problems that must be addressed, the alternative solutions that can be considered to address the problem, the analysis of the impacts of alternatives, and the selection of final approaches. Through each step of the process, Informed Consent will be achieved before moving on to the next step.

The process has been designed to allow all who wish to participate to have an opportunity to do so. Rather than relying on a blue ribbon advisory committee, the public participation process relies on a variety of techniques to receive input from the public, including the meetings, newsletters, small focus group discussions, a website, just to name a few. Meetings will be held throughout the county. Anyone wishing to participate is invited.

### Informed Consent: The Cornerstone of the Community Agreement Process

Informed Consent is not a typical public participation process. It is a strategic approach to public participation that does not attempt to build support for a predetermined solution, but instead seeks the input of informed participants to develop solutions that respond to the public's values. An Informed Consent process will develop a series of trade-offs that provide a common ground for seemingly intractable parties to reach agreement.

The consent will be based on an understanding of the complexity of the issues that the County is facing, and a realization that an acceptable solution must involve compromise and sacrifice. The Informed Consent process requires that the public understand that the County is capable and willing to address growth and development issues, but will only do so with the consent of those that are affected.

Informed Consent recognizes that the public generally has veto power over major growth and development decisions, and attempts to reach enough agreement among all interests to implement a solution. Consent involves the willingness of opposition interests to *accept, not necessarily support*, a proposed solution or plan. It is the lowest form of agreement, and is marked by a lack of serious opposition at the end of the process.

Consent requires that the major participants understand that:

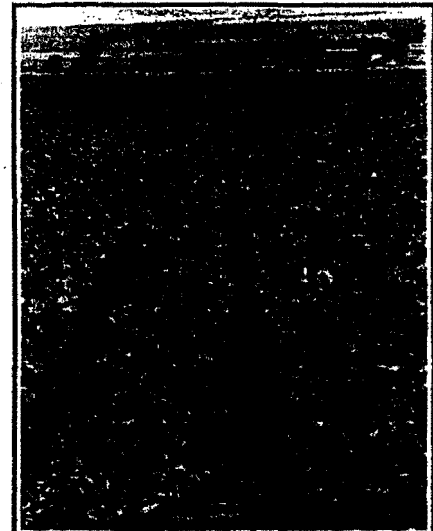
- a serious problem exists
- the County is responsible for addressing the problem
- the County is undertaking a fair and equitable process to solve the problem
- the County is listening to and seriously considering the concerns and ideas of all parties and
- the selected solution is better than doing nothing

Through the use of the Informed Consent process, the County is committing to listening and obtaining ideas from the public at all points in the development of the planning process. Staff will be charged with really listening to ideas presented and working with those interests to understand their point of view.

### Next Steps

The next steps in the 21<sup>st</sup> Century General Plan Up-date Program include:

- County distributes draft of the Existing Conditions Report
- Round table meetings to:
  - review existing conditions
  - define the problem/issues to be addressed in the General Plan Up-date
  - identify the range of alternatives for addressing the problem/issues
  - analyze the impact of alternatives and to select feasible alternatives

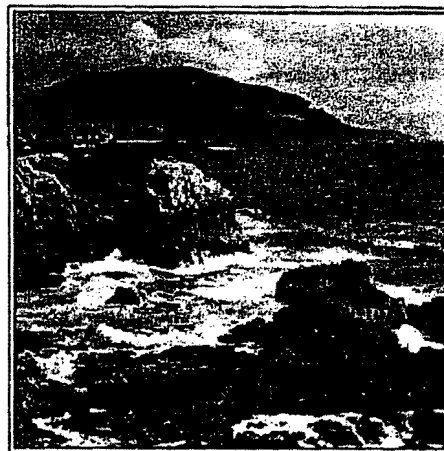


## Project Website Now Available

On September 1st, 1999, the County launched a new website for the Monterey County 21st Century General Plan Update. Use this resource to stay informed about the General Plan Update 24 hours a day.

- Upcoming public involvement activities and events
- Drafts and final reports and studies
- Summaries of recent activities and programs
- Share your ideas, concerns and suggestions with County staff and consultants

The address of our new website is: <http://www.co.monterey.ca.us/gpu>



## Who to Contact

INFORMATION AREA	CONTACT PERSON	PHONE NUMBER	E-MAIL ADDRESS
General Information	Jim Colangelo	(831) 755-5065	colangeloj@co.monterey.ca.us
	Annette Chaplin	(831) 755-5065	chaplina@co.monterey.ca.us
General Plan/Technical Work	Nick Chiulos	(831) 755-5145	chiulosn@co.monterey.ca.us

NOTIFICATION LIST

243-112-020  
State Department of Parks and Recreation  
Attn: Ken Gray, District Superintendent  
2211 Garden Road  
Monterey CA 93930

243-112-015  
Theodore Richter & Joan Beverly  
P.O. Box 3196  
Monterey CA 93942

Rancho Chiquita Associates  
P.O. Box 3196  
Monterey CA 93942

243-112-009, -010  
Sharon Ann Regan  
P.O. Box 222755  
Carmel CA 93922

243-112-024  
John J. Hudson & Family  
66 Highway One  
Carmel CA 93923

243-061-003  
Whisler Family Trust Trustees  
55 Riley Ranch Road, #A  
Carmel CA 93923

Responsible Consumers of the Monterey Peninsula  
Attn: David Dilworth  
P.O. Box 1495  
Carmel CA 93921

Monterey County Planning Commission  
P.O. Box 1208  
Salinas CA 93902

Monterey County Board of Supervisors  
P.O. Box 1278  
Salinas CA 93902

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-3200

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DEC 01 1999

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

KENNETH L. GRAY, District Superintendent  
CA State PARKS, 2211 GARDEN ROAD  
MONTEREY, CA 93940 (831) 649-2862  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: MONTEREY COUNTY

2. Brief description of development being appealed: CONVERSION of AN EXISTING HOUSE, COTTAGE, AND BRN to A 10 UNIT BED AND BREAKFAST FACILITY.  
THE SITE IS ADJACENT to POINT LOBOS STATE RESERVE.

3. Development's location (street address, assessor's parcel no., cross street, etc.): RILEY ROAD EAST OF HWY. 1 - IN THE POINT LOBOS AREA of the CARMEL - HIGHLANDS. PARCEL # 243-112-015-000.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: X
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-99-072

DATE FILED: 11/29/99

DISTRICT: Central Coast

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- b.  ~~City Council~~/Board of Supervisors
- c.  Planning Commission
- d.  Other \_\_\_\_\_

6. Date of local government's decision: Nov. 9, 1999

7. Local government's file number (if any): PLN 970284

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

RANCHO CHIQUITA ASSOCIATES / TED RICHTER  
3665 RIO ROAD  
CARMEL, CA 93923

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) ZAD LEAVY, EXEC. DIR  
BIG SUR LAND TRUST  
P.O. BOX 221864  
CARMEL, CA 93922
- (2) RESPONSIBLE CONSUMERS of EL MONTERAY PENINSULA  
P.O. BOX 1495  
CARMEL, CA 93921
- (3) MICHAEL J. SARMENTO  
POINT LOBOS NATIONAL HISTORY ASSN.  
ROUTE 1, BOX 62  
CARMEL, CA 93923
- (4) WHISTLER FAMILY TRUST  
55 RILEY RANCH ROAD #A  
CARMEL, CA 93923

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE Attached.

Also refer to Sept. 3, 1999 letter from Rick HYMAN to Monterey COUNTY.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

*Kenneth L. Gray*  
Signature of Appellant(s) or  
Authorized Agent

Date 11/24/99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

NA

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

Notice of Appeal – Rancho Chiquita Associates – PLN970284

1. Point Lobos Ranch is identified in the Carmel Area Land Use Plan as a Special Treatment Area. The plan states that the entire Point Lobos Ranch shall be designated for special treatment in order to facilitate a comprehensive planned development. Since the land use plan was adopted most of the ranch has been acquired by the Big Sur Land Trust for eventual conveyance to California State Parks as an addition to Point Lobos State Reserve. This project is inconsistent with the goal of the LUP in that it is being developed in the absence of a comprehensive plan for the Ranch. In order to protect the public's investment of over \$12 million for public acquisition of this property, this project should not proceed until a comprehensive plan is developed for the entire ranch that reflect the current ownership patterns.
2. Evidence supporting finding 1 states that the project would be located within an existing residential dwelling. In fact, the project involves the conversion of a barn into 4 bed and breakfast units.
3. Evidence supporting finding 1 also states that the project is located in a high archeological sensitivity area, that no new development is proposed within the project, and there is no potential for disturbance of cultural resources. In fact new development in the form of a 10-space parking lot is part of the project and there is significant potential for damage to archeological resources with the grading associated with construction of the lot.
4. Water rights for the project have not been established. The project is proposing the conversion and modification of an existing agricultural water system to a potable system. The source of the water is a well on Big Sur Land Trust property that draws water from the underflow from San Jose Creek. The applicant should be required to show evidence from the State Water Resource Control Board that a riparian or appropriative water right has been established.
5. The project is not consistent with the scenic easement for the property. The barn was constructed in accordance with the easement that allows farm buildings. The conversion of the barn to a commercial bed and breakfast facility is inconsistent with the easement which prohibits new structures for business or commercial purposes. In addition, construction of the proposed parking lot to serve the bed and breakfast may also be inconsistent with the easement.

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
5 FRONT STREET, SUITE 300  
MANTUA, CA 95066



September 3, 1999

Dan Chance; Jeff Main  
Monterey County Coastal Planners  
P.O. Box 1208  
Salinas, CA 93902

Subject: *Rancho Chiquita Bed & Breakfast (permit # 970284)/Whisler Trust Subdivision.*

Dear Dan and Jeff,

This is a follow-up to our letter of June 17, 1999 and subsequent phone conversations regarding Rancho Chiquita Bed & Breakfast (permit # 970284). This is also a follow-up to our letter of November 7, 1996 regarding the Whisler Trust subdivision (SB94001) and relates to the coastal permit appeal of the County approval. Both of these projects are proposed on what is delineated as the Point Lobos Ranch in the *Carmel Area Land Use Plan (LUP)*. This letter outlines outstanding issues that need resolution before development can occur on the Ranch.

### I. Background:

At the time of preparation of the *Carmel Area Land Use Plan (LUP)*, the property owners of Point Lobos Ranch were proposing to construct overnight visitor facilities and had been cooperating in planning for the entire Ranch. At that time there were two family entities, named in the *LUP* as the Hudson and Riley holdings (the Whislers being part of the Riley family).

There are several *LUP* policies and corresponding *Code* sections that discuss site master planning. The entire Ranch is designated "Special Treatment" (*LUP* policy 4.4.3.F.4). Special Treatment "is to facilitate a comprehensive planned approach for specifically designated properties..." (4.4.3.F). Policies 4.4.3.G.1 and G.5 reaffirm that development of Special Treatment areas are to be guided by an overall management plan. Individual policies specifically applicable to Point Lobos Ranch reemphasize this requirement (policies 4.4.3.F.4, 4.4.3.E.9, 4.4.3.F.4.j). The *LUP* recognizes that the two families may plan and develop separately, hopefully "coordinated to the greatest extent possible." The *LUP* also recognizes that one or both families might decide to forgo hotel development for residential development. Residences have the advantage of being less dense and hence, theoretically, creating less impacts. But, they have the disadvantage of not being priority uses under the Coastal Act and hence hampering the opportunity to have some overnight accommodations within easy distance of Point Lobos State Reserve. Policy 4.4.3.D.9 allows residential development on one of the family's holdings to proceed pursuant to its own master plan, if there is not yet a master plan for the other family's holdings, "if full notice is given to other owner of such proceeding so that overall development and management may be discussed during the consideration of any such application."

## II. Issues to Resolve Prior to Any Development on the Riley Portion of Point Lobos Ranch:

The following issues need to be resolved to provide the framework for allowing individual projects on Point Lobos Ranch, since there are a range of options in the certified *Carmel Area Land Use Plan* for this site.

### **A. Ultimate Land Use:**

Are the structures on the Riley holdings to be for residential or overnight visitor-accommodation use? Policy 4.4.3.F.4.c provides for one or the other. The subdivision is a residential use. At first blush, the bed and breakfast appears to be a visitor-serving use. This choice of use needs to be made in consultation with all of the landowners of what are mapped as Riley holdings. For example, whether the Department of Parks and Recreation is amenable to the residential option or whether they have plans for overnight accommodations on the part of the Riley holdings that they are purchasing needs to be considered.

### **B. Appropriate Width of Paved Road Surfaces:**

Do the roadways have to be widened or can they remain their current width? Both the subdivision permit conditions (#2) and the Negative Declaration mitigation measures for the bed and breakfast require minimum 18 foot wide roadway surfaces. This would require some widening of the existing roadways. We are not sure to which road segments these conditions would apply and whether this width is really necessary. Widening the roadways could be perceived as altering the rural character of the Ranch and inconsistent with policy 4.4.2.6. We note that there are other measures available (e.g., turnouts, unpaved surfaces) to provide adequate access for fire protection purposes.

### **C. Location of Any Potential Trails:**

Where will trails go on the Point Lobos Ranch flatlands? We note that the proposed subdivision linearly spans about a third of a mile of upwardly sloping land in the middle of the Ranch. The proposed bed and breakfast site spans an additional 400 feet, separated from the subdivision site only by a road. Therefore, we are concerned about obstruction of possible and/or previously proposed trail locations from the old Polo Field on the north to the Gowen Cypress pygmy forest to the south. Also, if the roadways must be widened, will there be land alongside them suitable for trails?

### **D. Concurrence of Involved Parties:**

Have all of the involved parties participated in the decision-making process to address the above issues? Under policy 4.4.3.D.9, where one family has chosen to pursue a residential project, an overall management plan including the other (i.e., Hudson's) family holdings is not mandatory. Nevertheless, full notice must be given to other owners so that overall development and management may be discussed during the consideration of any such application. Also, pursuant to the *LUP* text on page 67, all development should be coordinated with the State Department of Parks and Recreation's planning for the area. This provision has assumed added

significance in that the Department is slated to become the owner of much of Point Lobos Ranch. Therefore, this process (i.e., consultation with Big Sur Land Trust and State Parks as successors in interest to the Hudson family) needs to occur and to be memorialized so that compliance with policy 4.4.3.D.9 can be demonstrated.

### **III. Issues to Resolve for the Whisler Trust Subdivision:**

The following issues need to be resolved in a manner consistent with the overall decisions made for the Ranch. If the decision is made for the Riley flatlands to accommodate overnight visitor use, then the subdivision proposal cannot be approved. If the decision is made for the Riley flatlands to be residential, then the following issues need to be resolved.

#### ***A. Ultimate Density:***

Is there enough acreage allocated to the subdivision? The Riley flatlands portion of the Ranch can have a maximum of 22 homes (plus eight more if density is transferred from the Uplands portion of the Ranch, pursuant to policy 4.4.3.F.4). Clustering, which implies small lots surrounded by open space, is allowed, and even encouraged. Subtracting the 24 acres of the subdivision out of the 143 acres of Riley flatland holdings leaves 119 acres. Subtracting the 7 homes of the subdivision leaves 15 homes for the remaining acreage. In other words there is an implication in the subdivision approval that the remaining acres of the Riley flatlands develops to a lower density (7.9 ac./du) than the subdivision area (3.4 ac./du), which can be considered a "cluster." It should be explicit that, if clustering is allowed in one location, a commensurate area's density credit is permanently extinguished. Typical methods to achieve this in permitting include B-6 combining and open space zoning and/or deed restrictions.

#### ***B. Utility Lots:***

Why are separate utility lots still part of the approval? The County approval of the subdivision allowed for the creation of four "utility parcels" which could be problematic in the future because an assertion could be made that they had some building entitlement. Such utility lots should at least be deed restricted to specific their exclusively narrow purpose. A better option, and one that the applicant has chosen for the final map, is simply to delete the separate utility lots in favor of easements.

#### ***C. Rezoning:***

Why is a rezoning necessary? The County conditioned (#35) the subdivision approval to rezone the subject land to Low Density Residential, 2.5 acres/unit. This condition does not address, but rather complicates, the density issue. It implies that the proposed 7.5 acre Parcel 1 could be further subdivided. It also suggests that this is the appropriate residential density for the area, in contrast to policy's 4.4.3.F.4.c prescription of one unit per five acres. If this rezoning were to occur, several commensurate land use policy and zoning ordinance amendments will have to be made to retain internal consistency in the documents. This condition is further problematic in that it needs County and Coastal Commission approval before it is effective. Given the delays it would cause the applicant, the complexities involved, and the lack of apparent utility, this

condition appears to be counterproductive. (The height limitation portion of the rezoning could instead be implemented through a condition requiring a deed restriction).

#### ***D. Riparian:***

How will the riparian area on the site be protected? A circa 1980's map we have of the Ranch shows a stream spanning proposed Parcels 4 and 5. The subdivision permit is conditioned (#19) simply for a drainage plan with necessary improvements. There should not be an implication in this condition that this natural drainage area will be altered. The proposed final subdivision map shows a scenic easement over only part of this ravine (i.e., where there are over 30% slopes). Although building envelopes are not specified in the permit, septic locations are required under condition #17. These septic areas should not preclude locating future homes outside of a 50 foot riparian buffer area, pursuant to policy 2.3.3. Riparian.1.

#### ***E. Trails:***

Are there any trail locations that need to be incorporated into the subdivision? At the lower end of the subdivision site, access could occur alongside the road at the edge of proposed Parcel 1. At the upper end of the property we note an old farm road that also might be useable as a public trail. Thus, possible pedestrian access easements through the subdivision at these locations may be appropriate, and, if so, shown on the final map to be recorded.

### **IV. Issues to Resolve Prior to Approval of a Bed and Breakfast:**

The following issues need to be resolved prior to approval of a bed and breakfast in a manner consistent with the overall decisions made for the Ranch.

#### ***A. Nature of Use:***

Are bed and breakfasts residential or visitor-serving, and are they a use consistent with the decision as to whether the Riley lands will be for residences or overnight visitor accommodations? We understand that the County is considering them residential. This interpretation will have to be explained (if possible, or changed) given that the definition of "dwelling" is, "occupied exclusively for non-transient residential purposes" (Code Section 20.06.360). Also, the regulations of bed and breakfast facilities allow them in residential areas but distinguish them as a different use (Code Section 20.64.100). On the other hand, these Code provisions allow bed and breakfasts in residential areas and define "bed and breakfast" as an "establishment providing overnight accommodations and a morning meal by people who provide rental rooms in their homes" (Code Section 20.06.110; emphasis added).

#### ***B. Density:***

How much of the overall allotted density does this project represent? The bed and breakfast proposal is for ten rooms, which would seem to equate to a density of 10 hotel rooms. Thus, if the choice for the Riley land use is to be visitor accommodations and the bed and breakfast is considered a visitor accommodation use, it would involve 10 of the 120 allotted overnight unit

credits. Thus, there would have to be some agreement that conversion of other homes on the Riley lands together with any new construction would not result in more than 110 rooms (or possibly up to 128, if lower-cost units are factored in pursuant to policy 4.4.3.F.4.k).

If the bed and breakfast is to be considered residential, then some discussion of density from a cumulative impact perspective should be provided. However, if such is a possibility and, in any event, since the allowed 12 additional residences could be considered or later converted to bed and breakfasts, then overall density needs to be addressed. One exercise would be to project the total maximum number of bed and breakfast rooms (i.e., from conversion of all ten of the existing residences as well as the 12 more allowed). If the total were 120 or less, then the conclusion could be drawn that there was consistency with the intent of the LUP, since 120 hotel rooms are allowed (policy 4.4.3.F.4.a). If the projected number of bed and breakfast rooms were greater, then there would be an apparent conflict with the LUP that would have to be resolved.

### ***C. Ultimate Use of the Entire Parcel:***

What is the ultimate type intensity of use projected for the subject parcel? The proposed bed and breakfast is not located on land designated for new development; rather it is on Resource Conservation land designated for forest and upland habitat. While the RC zoning would generally preclude most new facilities, the Initial Study indicates that the bed and breakfast complex can be approved as a "legal nonconforming use changed to a use of a similar or more restricted nature." At a minimum, to be supportable, such a finding must address the entire site, which is approximately 5.4 acres. There needs to be a discussion of the ultimate use(s) of the entire 5.4 acres viz. a viz. the nonconforming standard, viewshed and open space protection, and overall density.

### ***D. Required Lower-cost Component:***

Is the proposed bed and breakfast a high cost facility (determined by the formula in Code section 20.146.120.B.3.a)? If so, there then needs to be discussion of lower-cost facilities, as required by LUP policy 4.4.3.F.4.k. If the Riley portion of the Ranch were to be a hotel, at least 16% of the units would have to be lower cost, although permissible in another form (e.g., camp sites, hostel beds). In other words, the intent of this policy to provide some lower-cost accommodations should not be thwarted by calling what is a higher-cost visitor-serving accommodation "residential."

### ***V. Next Steps:***

We would hope that all involved parties could come to agreement on the answers to questions and issues posed, although the County clearly has a lead role in determining the resolution of these. A meeting of all involved parties may be the critical first step to take in order to accomplish this.

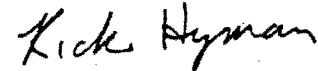
Once a course of action is agreed upon, we would be happy to discuss mechanisms to ensure that it is carried out consistent with the LUP and the Coastal Act. A master plan is contemplated in the LUP as being the mechanism. However, it may not have to be very complex, especially if

most of the Ranch is to be in permanent open space. You had mentioned the possibility of conditioning the bed and breakfast permit for a master plan to be developed. The LUP, however, anticipates that the basic agreements should be in place before final action is taken on developments such as the bed and breakfast application. These agreements, particularly if they are in the form of a master plan for the entire Ranch, should also serve to address some of the interrelated issues raised in the appeal of the subdivision permit. Further resolution of those issues possibly could be accomplished through an amendment to the subdivision permit. We are open to other ideas as well.

We look forward to hearing from you after you have considered the items raised in this letter.

Sincerely,

Tami Grove  
Deputy Director



Rick Hyman  
Coastal Planner  
Central Coast District Office

Cc: Mark Blum, Attorney  
Zad Leavy, Big Sur Land Trust  
Ken Gray, Department of Parks and Recreation  
Ted Richter, Rancho Chiquita Associates



RECEIVED

PETE WILSON, Governor

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 504-5200

DEC 06 1999



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Responsible Consumers of Monterey Peninsula; and David Dilworth  
P.O. Box 1495  
Carmel 93921 (831) 624-6500  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Monterey County

2. Brief description of development being appealed: Across from Point Lobos State Park - Conversion of a Barn and a residence into Bed & Breakfast facility.

3. Development's location (street address, assessor's parcel no., cross street, etc.): Across from Point Lobos State Park

4. Description of decision being appealed:

a. Approval; no special conditions: (fast-track)

b. Approval with special conditions: 41 permit conditions

c. Denial:

Note: For jurisdictions with a total LCP, denial decision by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-99-092

DATE FILED: 11/29/99

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator      c.  Planning Commission

b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: NOV 9-99

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Rancho Chiquita Associates  
3665 Rio Rd, Carmel 93923

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ken Gray (831) 649-2862  
Department of Parks, Calif  
2211 Garden Road, Monterey, CA 93940

(2) Big Sur Land Trust  
P.O. Box 221864, Carmel, CA 93922

(3) \_\_\_\_\_

(4) \_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Not in conformity with LCP; LCP out of date and significantly inaccurate; No Demonstration of no adverse impact on water resources; Increase of traffic congestion reducing & discouraging Coastal Access.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

D. Dilworth

Signature of Appellant(s) or Authorized Agent

Date Dec 4, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Exhibit D continued Appellants' Contentions A-3-MCO-99-92 Rancho Chiquita B&B

Date \_\_\_\_\_

# RCMP - Responsible Consumers of the Monterey Peninsula RECEIVED

Box 1495, Carmel, CA 93921 - 831/624-6500

DEC 06 1999

Coastal Commission

Dec 4 1999 CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Appeal of Rancho Chiquita; MC Resolution # 99053  
Proposal Would Diminish Sensitive Coastal Resources at Pt. Lobos

Dear Commissioners:

This proposal, which is across Highway One from Point Lobos, would adversely affect several Coastal resources. It is unfortunate an EIR was not prepared as it would have identified more clearly the adverse impacts of water use for the proposed project, the existing and increased traffic congestion impacts on maximum coastal access, the loss of low to moderate income housing and other impacts on Coastal Resources.

## 1. APPEALABILITY

This proposed project is appealable because it is located within a "Sensitive Coastal Resource Area" which is highly scenic and provides existing coastal housing for low- and moderate-income persons.

PUBLIC RESOURCES CODE 30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:  
(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

PUBLIC RESOURCES CODE 30116. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (c) Highly scenic areas, and
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

This proposed project is both in a highly scenic area (viewshed Map A) and currently provides coastal housing for low- and moderate-income persons. This proposed project would eliminate existing coastal housing for low- and moderate-income persons. This approval is not in conformity with its I.C.P.

## 2. NO WATER DEMONSTRATED

Carmel Area LCP 2.4.4 (A)(1) "New development shall be approved only where it can be demonstrated that the proposed new water use or intensification will not adversely affect both the natural supply necessary to maintain the environment, including wildlife, fish, and plant communities, and the supply available to meet the minimum needs of existing users during the driest year."

No demonstration of no-adverse-impact on water has been conducted.  
This demonstration would properly be done during preparation of an EIR.

The water use is new as it would change from a single family residential to ten unit visitor serving. Even if the total amount of use may not change, we we highly doubt, the timing or type of use could change and adversely impact "the supply available to meet the minimum needs of existing users during the driest

year." Residential use is generally uniform throughout a year, but visitor serving uses peak during summer months - exactly when the creeks are at the driest time of year.

The proposed project would use water from the severely depleted groundwater of Carmel Valley or the stressed and less reliable aquifer of San Jose Creek.

The project proposes to take water from San Jose Creek.

The I.C.P. states "Because many of the stream are small, development of ... visitor serving facilities can place excessive demands on water available in some watersheds."

The failure to affirmatively demonstrate no adverse impact on other water uses is not in conformity with the I.C.P.

### 3. I.C.P. Out of Date and Significantly Inaccurate.

The Coastal Act requires a review of a LCP at least every five years. (Coastal Act 30519.5)

This I.C.P. has not been reviewed for 15 years - three times longer than is statutory maximum.

The I.C.P. states that there is an "assured supply of 20,000 acre feet" of water. (pg 47)

This number was revised downward to about 17,000 acre feet in the Water District's 1990 Water Allocation action. But far more dramatically this number was cut back below 10,000 af - by a 1995 State Water resources Control Board Order 95-10. Since yearly water use is significantly above 13,000 af the Cal-Am water system is severely overpumped.

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

The water supply sections of this I.C.P. need updating before any new CD Permits are issued.

### 4. TRAFFIC IMPACTS REDUCE COASTAL ACCESS

"Traffic volumes are at or approaching capacity during peak use periods...." LCP 1984

Existing conditions have worsened to exceed gridlock (I.OS "F"). This project would add 6 new peak hour trips to existing gridlock - thus reducing and discouraging coastal access.

**SUMMARY** We respectfully urge this Commission deny the proposed project's Coastal Development Permit for its certain adverse impacts on water, coastal scenic resources, loss of low and moderate income housing and its traffic impacts reducing coastal access - all of which are strongly protected by our Coastal Act and this I.C.P.

Sincerely,

David Dilworth, Co-Chair 831/624-6500

Land Use Plan Map  
Designations for  
Point Lobos Ranch

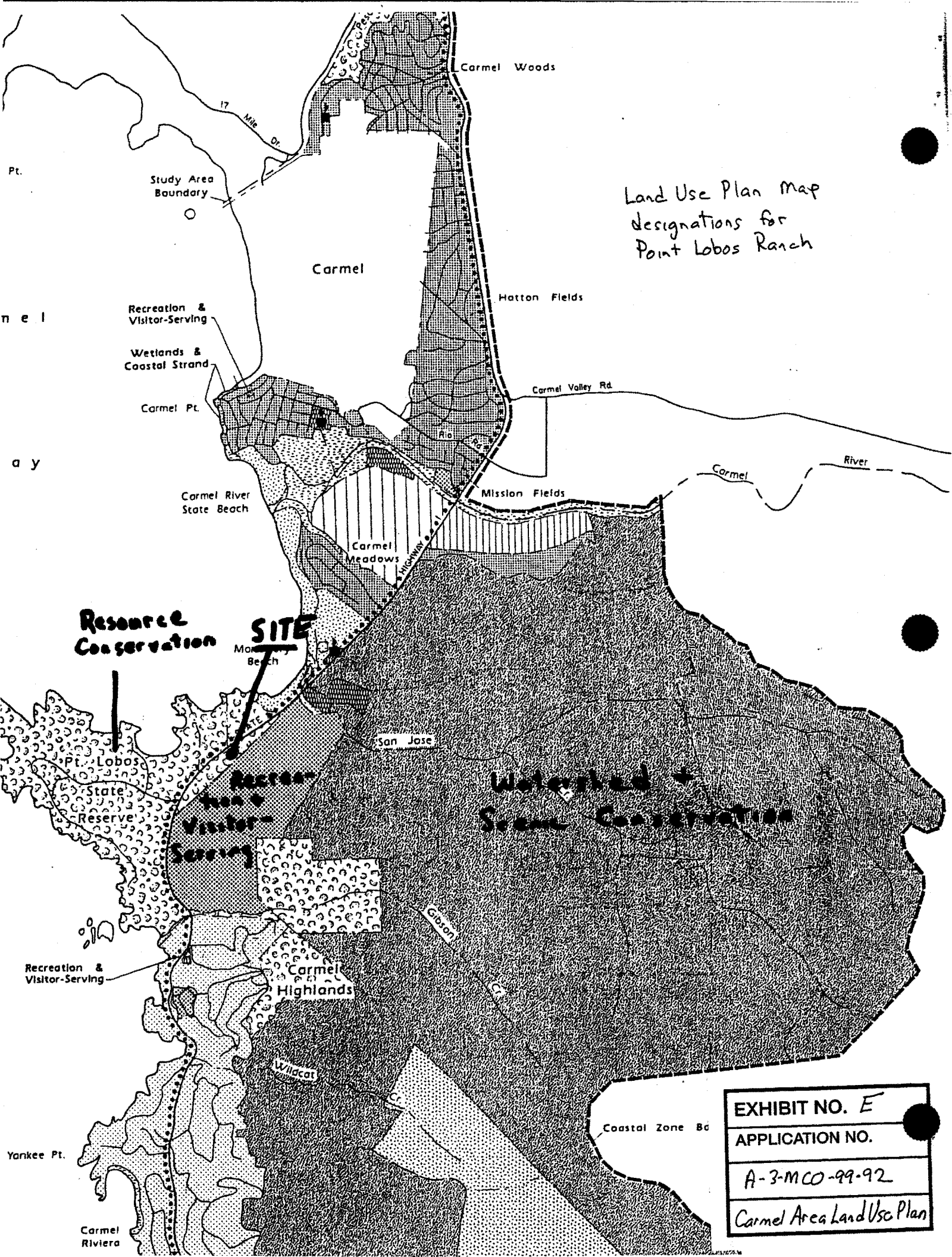
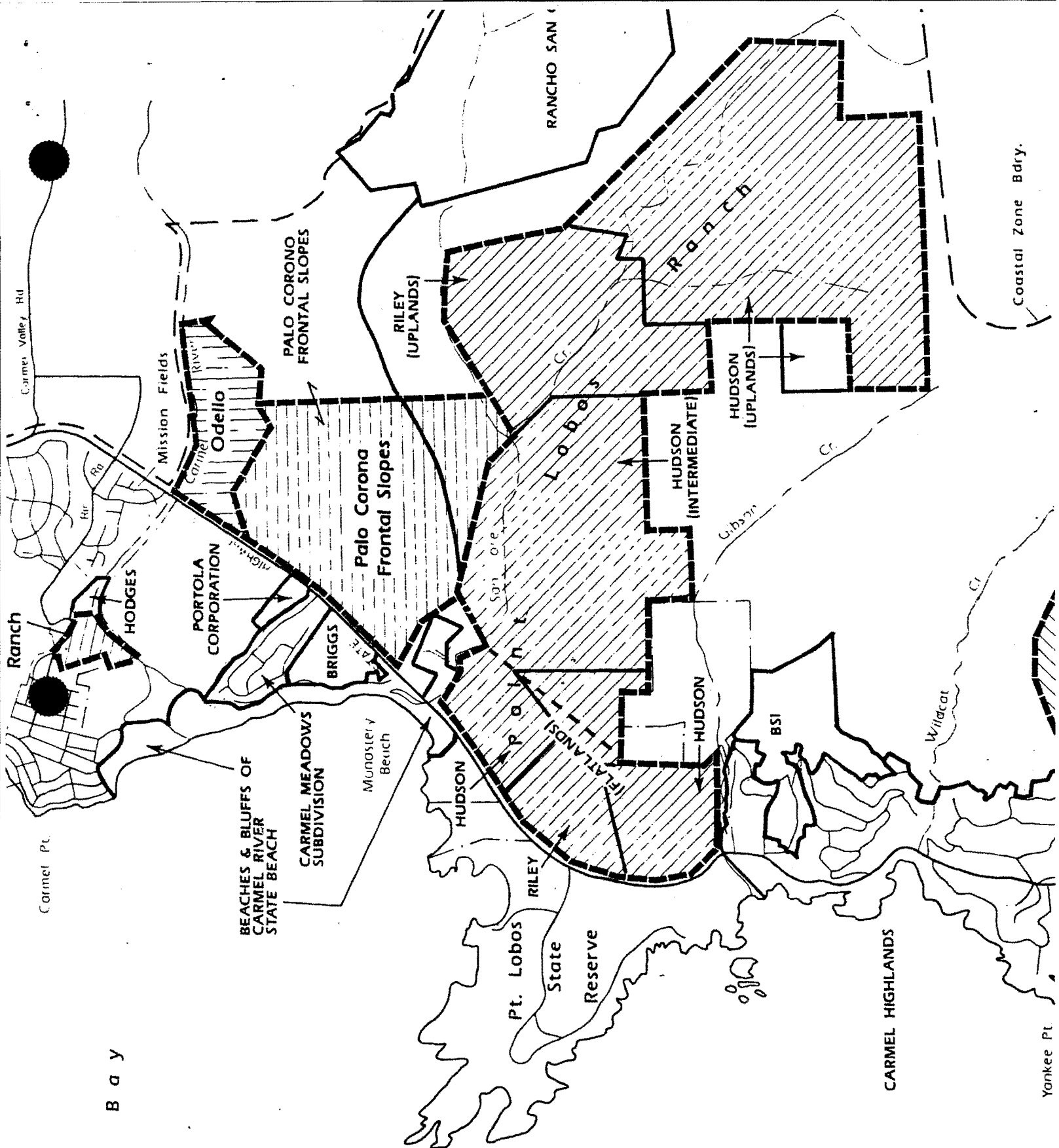


EXHIBIT NO. <i>E</i>
APPLICATION NO.
A-3-MCO-99-92
Carmel Area Land Use Plan

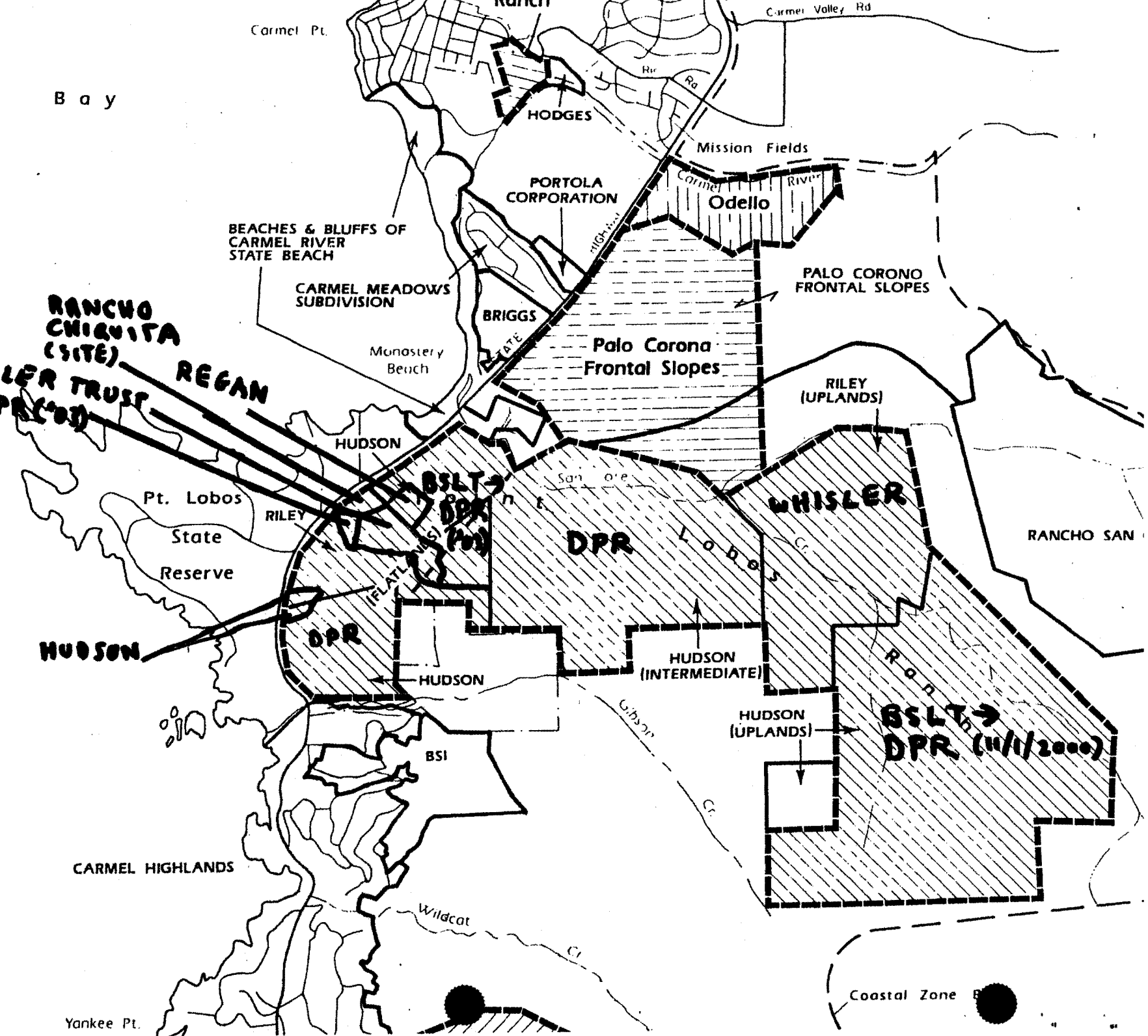


Special Treatment Areas In LCP  
 Showing Hudson and Riley (Whistler)  
 Family Holdings of Point Lobos  
 Ranch in early 1980's

EXHIBIT NO. F
APPLICATION NO.
A-3-MCO-99-92
Special Treatment Area

Current Ownerships of Area Designated "Point Lobos Ranch" Special Treatment Area in Carmel Area Land Use Plan  
 BSLT = Big Sur Land Trust  
 DPR = State Parks + Recreation

EXHIBIT NO.	G
APPLICATION NO.	A-3-MCO-99-92
Current Ownerships	



B a y

Carmel Pt.

HODGES

Mission Fields

PORTOLA CORPORATION

Odello

BEACHES & BLUFFS OF CARMEL RIVER STATE BEACH

CARMEL MEADOWS SUBDIVISION

BRIGGS

PALO CORONO FRONTAL SLOPES

RANCHO CHIQUITA (SITE)

Palo Corona Frontal Slopes

RILEY (UPLANDS)

WHISLER TRUST  
 BSLT → DPR (11/1/2000)

HUDSON

BSLT → DPR (11/1/2000)

DPR

WHISLER

Pt. Lobos State Reserve

RILEY

RANCHO SAN

HUDSON

DPR

HUDSON

HUDSON (INTERMEDIATE)

HUDSON (UPLANDS)

BSLT → DPR (11/1/2000)

CARMEL HIGHLANDS

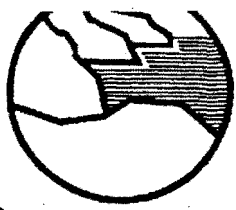
BSI

Wildcat

Yankee Pt.

Coastal Zone B





# THE BIG SUR LAND TRUST

MAR 28 2000

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MAR 27 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

CALIFORNIA  
COASTAL COMMISSION

March 23, 2000

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Sara Wan, Chairperson & Commissioners  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz CA 95060

Re: **Appeal No. A-3-MCO-99-92 (Rancho Chiquita Associates)**  
**Conversion of Home/Cottage/Barn to Bed & Breakfast**  
**April 2000 Agenda, Long Beach**

Dear Chairperson Wan and Commissioners:

This is to provide a brief summary of the reasons The Big Sur Land Trust (BSLT) filed the above referenced appeal in support of the California Department of Parks and Recreation's (State Parks') position.

**Development of Point Lobos Ranch.** In 1993 when BSLT purchased the property surrounding the subject B&B conversion, the development rights for the property were purchased too. The appraisals which formed the basis of the purchase price included analyses of the development potential of the property and the purchase price reflected same. The assumption then was that the remaining development in the area was and would remain residential. BSLT purchased the land and the development rights for the benefit of the public and the creation of a new State Park. The development rights were not extinguished, are still owned by BSLT and the State and are not available to be used by other property owners in the area to support new or intensified developments. The very same developer, Ted Richter (Rancho Chiquita Associates & Jose Gibson Partnership), who received full development value for the land he sold to BSLT, now seeks to use BSLT's and the State's lack of development to support the acceptability of his conversion of a residence, a cottage an agricultural structure to what is essentially a hotel.

**Precedential Effect.** This conversion to a commercial bed & breakfast facility, if allowed, will set an adverse precedent which may lead to many more residential and non-residential structures in the area being converted to B&B use. The adjacent land owner, Sharon Regan, has already applied to Monterey County to convert her residence and adjacent non-residential structure(s) to another 10-unit bed and breakfast facility. Yet another adjacent land owner recently declined to relinquish his ability to convert to a bed and breakfast facility. It is only a matter of time before additional property owners seek to convert residential and non-residential structures to commercial bed and breakfast facilities. The logical result is the potential of 200-250 hotel units right in the middle of a State Park — a result which is inconsistent and in serious conflict with wildlife habitat preservation and a new State Park.

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EXHIBIT NO. H
APPLICATION NO.
A-3-MCO-99-92
Correspondence

Chairperson Wan & Commissioners  
ZAD LEAVY  
March 23, 2000

Page 2

**Public Resources Code §30515 Application.** Point Lobos Ranch is identified in the Carmel Area Land Use Plan (a certified LCP 17 years old) as a Special Treatment Area; said plan states that the entire Point Lobos Ranch shall be designated for special treatment in order to facilitate a comprehensive planned development. No comprehensive planned development was ever created for the Point Lobos Ranch and in the 17 years since certification circumstances have changed substantially, as most of the surrounding land has been and is being purchased for open space and wildlife habitat utilizing millions of dollars of Mountain Lion Initiative funding (Proposition 117). Allowing a B&B in this location is inconsistent with the substantial expenditure of public funds to preserve wildlife habitat and create a State Park. The State Park project is of greater than local interest as millions of visitors and residents alike visit this area annually and State Parks has expressed its intent to file a Public Resources Code §30515 application to update the LCP. Further, Monterey County itself recognizes that many local plans are outdated and is embarking upon a review and revision of local land use plans. Allowing this B&B conversion at this time prejudices future planning.

**Water Issues.** The subject bed and breakfast development proposes to draw water from the San Jose Creek underflow, a source which historically has been used for low intensity agricultural purposes on the property. The Rancho San Carlos development currently under construction (350 homes, golf courses, etc.) also draws on San Jose Creek. The potential for adverse impact on fish and wildlife resources of San Jose Creek cannot be ignored.

**Conclusion: Denial.** The B&B conversion in its present form should be denied based on the above.

Sincerely,

*/s/Zad Leavy* -

ZAD LEAVY  
Executive Director

ZL/RKJ:gs

cc: Peter Douglas, Executive Director  
Rick Hyman, Senior Planner  
Supervisor Dave Potter, Vice-Chair  
All Commissioners  
Mary Wright, Chief Deputy Director,

Exhibit H code Department of Parks and Recreation MCO-99-92 Rancho Chiquita B&B



DEPARTMENT OF PARKS AND RECREATION

Rusty Areias, Director

MONTEREY DISTRICT  
2211 GARDEN ROAD

MONTEREY, CA 95030  
**RECEIVED**  
FEB 23 1999  
330 236 FAX

FEB 04 2000

February 3, 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Rick Hyman  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Hyman:

As you know California State Parks has appealed Monterey County's approval of the Rancho Chiquita Associates (970284) project to the Coastal Commission. This project involves conversion of an existing single family dwelling, barn and cottage to a 10-unit bed and breakfast facility. The purpose of this letter is to expand upon the information provide in our application to support our assertion that the appeal raises substantive issues regarding this project that should be heard by the Coastal Commission. This letter is the final version of the draft I sent you on January 27<sup>th</sup>.

The standard of review the county used in reviewing this project, the Carmel Area Local Coastal Program, is outdated and not relevant to current circumstances and, therefore, the County's analysis based on this standard is flawed and defective. When the Carmel Area Land Use Plan was developed in the early 1980s, provisions were included that designated the Ranch as a special treatment area to facilitate construction of up to 240 visitor serving resort units. The plan authorizes development of intensive recreation and visitor serving facilities on the flatlands. Since these provisions were written into the plan very significant changed circumstances have occurred. California State Parks and the Big Sur Land Trust have or will invest over \$20 million dollars to acquire, restore and protect the scenic, plant and wildlife resources of Point Lobos Ranch. The major commitment of public money expended on this acquisition was provided to prevent the impacts of just the kind of development that is authorized by the LCP. The public money is from the voter approved Proposition 117, the Mountain Lion Initiative, which established the Habitat Conservation Fund to acquire and restore wildlife habitat.

In order to protect the resources of the Reserve, State Parks has established a carrying capacity for the reserve, prohibits pets, limits public use of the Reserve to daylight hours and provides no overnight visitor serving accommodations. State Parks feels strongly that these restrictions are necessary to protect the high quality habitats in the Reserve. Point Lobos provides excellent wildlife viewing opportunities, highly accessible to the public. If it were not for the visitor use restrictions it is unlikely that the Reserve would be as heavily used by wildlife or that the public would have such high quality wildlife viewing opportunities.

It is State Parks contention that visitor serving overnight accommodations must be limited and carefully controlled to protect Point Lobos Ranch and State Reserve. To enable the accomplishment of the goals of the Habitat Conservation Fund the proposed bed and breakfast project is an incompatible use on the Ranch and should be denied by the Commission.

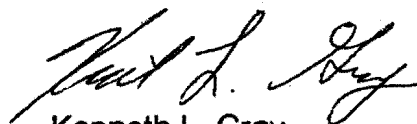
In light of the outdated nature of the Carmel Area LCP, California State Parks intends to prepare a proposed LCP amendment and submit it to Monterey County and the Coastal Commission for approval. At a minimum it is our intent to address the following issues in the LCP amendment:

1. A change in the specific land use designations, densities and permitted uses included in the program for Point Lobos Ranch. Our current thinking is that the use of the remaining private inholdings should be limited one single family residence per parcel with no subdivisions permitted.
2. A change in the zoning for the ranch to prohibit conversion of existing or new residences from being converted to bed and breakfast facilities.
3. Provisions to address the concern about the impacts of very large single family residences. It is our intention to develop appropriate standards for the height and footprint for new residences on Point Lobos Ranch to minimize the impact to environmentally sensitive habitat and visual resources.
4. A strengthening of the visual protections in the plan to require that new construction on Point Lobos Ranch not be visible from Point Lobos State Reserve or Highway One.
5. A strengthening of the habitat protection policies to prohibit projects within Point Lobos Ranch which have significant adverse impacts on environmentally sensitive habitats.

To provide for the appropriate protection of Point Lobos Ranch we believe that the standard of review for the current Rancho Chiquita project should be an amended LCP that incorporates the provisions outlined above. To that end we are recommending that the Commission's review beyond making a finding that substantive issues are involved be delayed until the LCP has been amended.

If you have any comments or questions about these issues please contact me.

Sincerely,



Kenneth L. Gray  
Interim District Superintendent

# Memorandum

**RECEIVED**

: MAR 28 2000

MAR 31 2000

To : Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

From : Department of Parks and Recreation  
Chief Deputy Director

Subject : Appeal No. A-3-99-92, Rancho Chiquita

As you are aware, California State Parks, the Big Sur Land Trust, and Responsible Consumers of Monterey Peninsula have appealed the decision of Monterey County granting a coastal development permit to Rancho Chiquita Associates to convert a single-family home, barn and cottage to a 10-unit bed and breakfast facility in the area known as Point Lobos Ranch adjoining Point Lobos State Reserve. We believe that this project, if approved, will set an adverse precedent which cumulatively may have significant impacts to the viability of the natural resources in this area and which should be carefully considered by the Coastal Commission in their deliberations.

The ongoing acquisition of the Point Lobos Ranch by California State Parks through the Big Sur Land Trust changes the circumstances from those which the current LCP addressed. When the Carmel Area Land Use Plan was developed in the early 1980s, provision was made for up to 240 visitor serving resort units. Since then, over \$20,000,000 of private and public monies has been or will be invested in acquiring the majority of the Point Lobos Ranch property in order to protect and restore its scenic, natural and cultural resources. In so doing, over 140 potential visitor serving resort units which otherwise would have been allowed under the Monterey County Local Coastal Plan, and which would have had significant impacts to the area's transportation, water and waste discharge capacities and regional wildlife movement, have been prevented. However, inholdings (such as the subject property) remain which, if developed to their full capacity, could result in as many as 100 new visitor serving units which would essentially nullify the positive impact of the public acquisition.

It is the intent of California State Parks to manage Point Lobos Ranch in a manner similar to that of Point Lobos State Reserve. We foresee protecting the site's resources by establishing visitor carrying capacities, prohibition of pets, and limiting public use and time of visitation in order to protect its high quality habitat. Intensive uses such as the proposed visitor serving facilities of Rancho Chiquita and the other inholdings, if allowed to develop to equal intensity, will result in incompatible land uses. For this reason California State Parks has recently submitted an LCP amendment to Monterey County to reduce development impacts and to strengthen habitat protection policies.

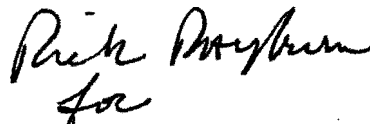
Peter Douglas  
Page Two

It is our understanding that Monterey County is just initiating an update of their general plan. We believe it is important that the Coastal Commission, through this appeal, indicate their concerns regarding the cumulative results of the intensity of land use impact on Point Lobos Ranch. At build-out, turning movements from already congested State Highway 1 and subsurface water withdrawals from a recognized steelhead stream will unnecessarily impact the scenic and natural resources of the property. We are equally concerned that the cumulative effects of development may negatively impact regional wildlife movement and genetic viability of Point Lobos State Reserve from inland areas. Without such linkages, both the floral and faunal values of the State Reserve can be vastly diminished.

In order to review the subject appeal, the Coastal Commission's attention should be drawn to more than the land-use and zoning designations in the current Local Coastal Plan. In carrying out the LCP, equal or greater emphasis should be placed upon the policies of the plan designed to implement the sections of the Coastal Act which require the protection and perpetuation of all of the resources of California's Coastal Zone. In such an analysis conflicts may occur between policy and the designated use of a given parcel of property. If this occurs, we believe the direction of the Coastal Act suggests that the Commission resolve such conflicts in a manner which on balance is the most protective of significant coastal resources.

It appears the Monterey County LCP recognizes that development in areas in and adjacent to important environmentally sensitive habitat areas, such as State Parks, must prevent impacts which would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas. The local land use planning process should not be prejudiced by a premature decision which establishes a negative precedent preempting proper decision-making.

It is our hope that the Coastal Commission will make a finding of significant issue and will subsequently deny the proposed project pending the completion of Monterey County's planning update. It is our intent to have a representative available at the Coastal Commission hearing on April 10 in Long Beach, to answer questions on these and related issues.



Mark Wright  
Chief Deputy Director

cc: Richard Hyman  
California Coastal Commission  
Central Coast Area Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508



State of California • The Resources Agency

Gray Davis, Governor

DEPARTMENT OF PARKS AND RECREATION

Rusty Areias, Director

MONTEREY DISTRICT  
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(831) 649-2836  
(831) 649-2847 FAX

March 28, 2000

Annette Chaplin, Director of Land Use Programs  
Planning and Building Inspection Department  
Monterey County  
240 Church Street  
Salinas, CA 939401

Dear Ms. Chaplin:

As you know, California State Parks recently appealed the Planning Commission's approval of the Bliss and Rancho Chiquita projects to the Board of Supervisor's. Subsequently we appealed the Board's approval of the Rancho Chiquita Project to the Coastal Commission and intend to appeal the Bliss project to the Commission if it is determined to be appealable. Our concern about these two projects reflects a larger concern about the Carmel Area Implementation Plan. The language in the plan regarding the Point Lobos Ranch special treatment area was written in the 1980's to facilitate and regulate the development of a major visitor serving resort on the ranch. Since then California State Parks and the Big Sur Land Trust have been acquiring property within the ranch as an addition to the State Park System. This land acquisition program was undertaken and is continuing to protect the scenic, natural and cultural resources on the site. The Point Lobos Ranch special treatment area regulations are no longer appropriated due to the changed circumstances.

In light of the ongoing acquisition program most of the Ranch has or will become State Park land. State Parks requests that Monterey County amend the Carmel Area Local Coastal Program provisions specific to Point Lobos Ranch to provide for the appropriate protection of the Ranch as a unit of the State Park System. Public Resources Code Section 30515 provides the authority for state agencies to request any local government to amend its certified local coastal program. We are making this request pursuant to PRC 30515.

State Parks is requesting that Part 4 of the Monterey County Coastal Implementation Plan titled Regulations for Development in the Carmel Area Land Use Plan Area (Chapter 20.146) as adopted by the Monterey County Board of Supervisors January 5, 1988 be amended. We requesting that the existing section 20.146.120.A.4

be replaced in its entirety as follows:

4. Point Lobos Ranch

a. The entire Point Lobos Ranch, consisting of the present and former Hudson and Riley properties, shall be designated for Special Treatment in order to facilitate protection and management of most of the area as a unit of the State Park System. Priority shall be given to protecting the ranch's scenic, natural and cultural resource values. The following development standards, in addition to other applicable development standards shall govern the types and intensities of allowable use on the ranch:

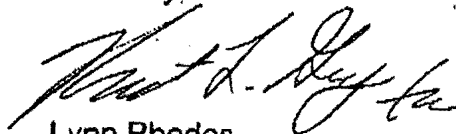
- 1) New development on State Park System lands shall be limited to development of trails and facilities to accommodate visitor use, park support facilities and appropriate resource management.
- 2) Accommodations to support visitor use on the State Park System lands shall involve adaptive reuse of existing structures wherever feasible and appropriate.
- 3) New development on private property within the ranch shall be limited to one single-family residence per legal parcel.
- 4) No further division of land within the ranch shall be permitted.
- 5) All overnight visitor-serving accommodations authorized on public or private property within the Ranch shall be limited to low or lower cost accommodations.
- 6) Conversion of existing or new residences to bed and breakfast facilities within the ranch shall be prohibited.
- 7) Development of new residences and expansion of existing residence(s) shall be limited in size to a maximum of 5000 square feet of lot coverage including the residence, garages, guests quarters and all other structures.
- 8) The maximum height of new residences shall be 20 feet to the highest point of the structure as measured from the original grade of the site.
- 9) New construction shall be sited and designed so as to not be visible from public viewing areas including but not limited to State Highway One and Point Lobos State Reserve.
- 10) No development within the ranch shall be permitted which has significant adverse impacts on environmentally sensitive habitats.



A copy of the existing language in the implementation plan we are recommending for change is attached for your information. Also attached is a copy of PRC 30515. In addition, California code of Regulations, Title 14, Section 13666 is attached as it identifies procedures for amending a LCP pursuant to PRC 30515.

Please contact Ken Gray at (831) 649-2862 if you have any questions about this matter.

Sincerely,



Lynn Rhodes  
District Superintendent

Cc: Rick Hyman  
CA Coastal Commission

