

## CALIFORNIA COASTAL COMMISSION

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**Prepared October 26, 2006 (for November 16, 2006 hearing)**

**To:** Commissioners and Interested Persons

**From:** Charles Lester, Deputy Director  
Steve Monowitz, District Manager  
Jonathan Bishop, Coastal Program Analyst

**Subject: San Luis Obispo County Local Coastal Program Major Amendment No. 1-05 (Part 1) Port San Luis Harbor Master Plan.** For public hearing and action at the California Coastal Commission's November 16, 2006 meeting to take place at the Hyatt Regency in Huntington Beach.

## Summary

San Luis Obispo County proposes to amend its Local Coastal Program (LCP) by incorporating relevant provisions of the recently updated Port San Luis Harbor District Port Master Plan (Port Master Plan) into the San Luis Bay Area Plan segment of the Land Use Plan (LUP). The proposed LUP amendment updates the San Luis Bay Area Plan with current information regarding public and industrial facilities; revises development programs and land use priorities; and provides general goals and development standards to guide future projects within the Port San Luis Harbor District (PSLHD). To better reflect current conditions at Port San Luis Harbor (the Port) and to accommodate new development envisioned under the Port Master Plan, the LUP amendment also changes the land use category of the Cal Poly pier from Industrial (IND) to Public Facility (PF); changes the land use category of three parcels totaling approximately 12.03 acres within the Harbor Terrace planning sub-area from Agriculture (AG) to Public Facility (PF); and includes the three Harbor Terrace parcels within an expanded Urban Services Line/Urban Reserve Line (USL/URL).

The Port is centrally located along San Luis Obispo County's coastline, sited between Point San Luis and Pismo Beach, approximately one mile west of the community of Avila Beach. The Port supports commercial fishing, recreational boating and fishing, coastal access, visitor-serving and recreational uses, and public education facilities such as the marine research facility located at the end of the Cal Poly university pier. The PSLHD manages the Port and controls the land, piers, and tideland properties of the San Luis Bay. In 2003, the PSLHD updated its Port Master Plan to address emerging issues and provide current information about the Port's economic and development needs. The Coastal Commission staff encouraged the County and the PSLHD to address these issues and needs through a corresponding amendment to the County LUP. After several years of preparation, the County in coordination with the PSLHD has submitted an LUP amendment to the Coastal Commission for certification.

The LUP amendment provides for new uses and development expansion in seven distinct planning sub-areas: Open Water; Lightstation; Harford Pier; Harford Landing; Beach and Bluffs; Harbor Terrace; and Avila Beach, Pier, and Parking Lot. Although the LUP amendment submittal does not specifically



California Coastal Commission

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detail all future developments, the Port Master Plan includes graphic depictions of “conceptual improvements or land use concepts” for each distinct planning sub-area that provide some context in terms of what sort of development types, locations, and intensities may be proposed in the future. As examples, the Port Master Plan provides for new boating access facilities adjacent to piers in the Open Water (e.g., fixed landings and skiff tie-ups); new uses and access at the historic Lightstation; additional fishing and boating facilities on the Harford Pier (e.g. refurbished fish cleaning stations and skiff storage); new lease space and launch-ramp parking on the Harford Landing; improved public access and recreation opportunities on the Beach and Bluffs; new lease space in the Avila Parking Lot; and adjustments to amount and location of new structures on the Avila Pier.

The most significant land use concept envisioned is within the Harbor Terrace planning sub-area. The current concept for the Harbor Terrace site includes fishing gear and boat storage, harbor operation facilities, visitor-serving retail establishments, RV and tent campsites, scaled down hotel and motel units (e.g., cabins, bungalows, inns, yurts, casitas), public parking, and some open space. The Coastal Commission has previous experience with the Harbor Terrace from the year 2000 when it denied an LUP amendment proposal intended to accommodate a 147-unit hotel and commercial retail center. Though this LUP amendment submittal is not a development proposal, the goals and development standards included will provide the parameters under which future projects will be required to follow.

### Coastal Act Consistency Issues

The LUP amendment sets priorities for new uses at the Port and establishes general programs, goals, and standards to guide future projects. The County and the PSLHD have worked to address a variety of coastal resource constraints within the development standards guiding the scope and scale of development desired by the PSLHD, yet certain modifications to the proposed LUP amendment are required in order for it to be found consistent with the Coastal Act.

#### Priority Land Uses

The Coastal Act gives priority to coastal-dependent and coastal-related development over other types of development proposed along the shoreline. The proposed LUP amendment largely anticipates new uses and projects within existing developed areas that are directly associated with high priority fishing and boating. However, the LUP amendment also anticipates a series of commercial visitor-serving facilities intended to generate revenue for the PSLHD. These include overnight accommodations at the historic Lightstation, new retail space on the Harford Landing and Avila Pier, as well as conference space, RV camping, and hotel/motel units on the Harbor Terrace. While many of these developments will help generate revenues needed to finance the operation, maintenance, and expansion of higher priority uses, new development must not interfere with the provision of adequate facilities necessary to serve the Coastal Act’s highest priority coastal-dependent and coastal-related uses.

For the Harbor Terrace, this Coastal Act requirement is addressed by a suggested modification that retains existing commercial fishing and recreational boating facilities, and secures additional space in support of future coastal-dependent and coastal-related uses. The suggested modification requires the Port to provide a minimum of 20 marine gear storage spaces and 70 trailer boat storage spaces, with an additional 10,000 square feet of expansion area to be reserved for future high priority uses. Prior to



approval of other uses on the Harbor Terrace, a finding must be made showing that the 10,000 square foot expansion area remains adequate. In addition, the suggested modification requires that fishing and boating storage facilities, including the area being reserved for future expansion, be located in the western/southwestern portions of the site so that coastal-dependent and coastal-related facilities are located close to existing harbor services, such as hoists, boat yards, access routes, and boat launches. The suggested modifications further require these areas to be graphically depicted in an updated LUP Figure 8-6.

For the Harford Pier, there is a need to secure deck space and ensure that adequate facilities are available for continued commercial fishing and recreational boating operations including, commercial fish offloading zones, storage areas, fueling stations, boat hoists, and skiff storage racks. For this particular planning sub-area, the suggested modification requires an update to LUP Figure 8-5, which shows the type, size, and location of high priority facilities on the pier. Including an updated Figure 8-5 in the LUP will establish baseline conditions and will ensure that commercial fishing and boating facilities on the Harford Pier are adequate and protected.

For the Harford Landing, the suggested modification secures parking spaces for recreational boaters and fishers within the East Parking Lot. Specifically, the suggested modification requires a minimum of 12 spaces to be reserved for vehicles with boat trailers. The balance of spaces would be available for a mix of uses. Under the suggested modification, priority at all times is given to vehicles with trailer boats. This modification is needed to protect the ability of such users to park their vehicles and trailers in close proximity to the boat launch facilities and avoid conflicts with lower priority users, such as RV's, that may compete for limited oversized parking spaces.

With these modifications, the LUP amendment is consistent with the Coastal Act's priority land use provisions.

#### Protection of Lower Cost Visitor-Serving Opportunities

The Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible provided. The proposed LUP amendment will reduce opportunities for lower cost visitor-serving facilities by eliminating the current LUP standard requiring a campground facility to be developed on portions of the Harbor Terrace site that are not needed for fishing, boating, harbor operations, and coastal access. Even though the current land use concept for the Harbor Terrace site is scaled down in comparison to the previous proposal for a 147-unit hotel and commercial center, assurances are needed that the new mix of proposed uses will encourage and provide an adequate lower-cost element.

Accordingly, the suggested modification requires that for every one and a half (1.5) hotel/motel units, at least one (1) lower-cost tent campsite must be provided. For every three (3) RV camping sites, at least one (1) lower-cost tent campsite must be provided. The suggested modification also requires that the minimum number of lower-cost tent campsites be approved before or concurrent with the hotel/motel units and/or commercial retail developments, and that the campsites be available for use within one year of the opening of the hotel/motel units or commercial retail developments.



A new program is added to the LUP that promotes lower-cost boating and fishing opportunities at the Port. The program encourages the PSLHD and private marine operators to support non-profit organizations, educational groups, or similar type groups wishing to include boating and fishing activities in their programs by providing reduced harbor fees.

With these modifications the LUP amendment is consistent with Coastal Act Section 30213.

#### Public Access and Recreation

The Coastal Act requires that maximum public access to the shoreline be provided. To a large degree, the proposed LUP amendment protects and promotes access and recreation opportunities. Nevertheless, some modifications are necessary to achieve Coastal Act consistency. At this time, physical and operational barriers interfere with public access to the historic Lightstation, and in turn diminish the overall user experience. A new standard is suggested that encourages the PSLHD to actively pursue alternative access routes and enhancements that improve public access to the Lightstation. The proposed LUP amendment expands on the list of allowable uses at the Lightstation to include overnight accommodations and special events and programs. In order to provide a comprehensive review of the terms of use and to avoid user conflicts at the Lightstation, the suggested modification requires that a coastal development permit be issued for the establishment of new uses, as well as for special events. Most importantly, the suggested modification includes a new standard to ensure that such uses and events do not reduce or impair public access opportunities at the Lightstation.

Another necessary modification to the proposed LUP amendment relates to proposed water access to the historic Lightstation. The proposed LUP amendment expands access to the Lightstation by way of water taxis. This form of access would necessitate development of a new pier connected to the rocky shoreline, allowing boats to take people across San Luis Bay to the Lightstation. While this proposal provides for alternative access to the Lightstation, it also poses significant adverse impacts to coastal resources such as sensitive marine habitats, water quality, and the scenic viewshed. Inland access options to the Lightstation should be promoted and encouraged before new water access is pursued. Modifications are suggested to delete boat access and water taxis from the list of allowable uses at the Lightstation, and instead expands on efforts to enhance access through use of existing land-based routes.

Access issues are also raised in the Avila Parking Lot. The Avila Parking Lot is located in the heart of the downtown beach area and is controlled by the PSLHD. Over the years, the PSLHD has established parking fees to help operate and maintain the parking lot, pier, and beach areas. Currently, a parking fee of \$5.00 per day is charged to visitors. There are concerns that increased parking fees can adversely impact the public's ability to access the beach. To address this concern, the suggested modification requires that a coastal development permit be obtained for substantial increases in parking fees overtime. For the purpose of this modification, a substantial increase in parking fees means an increase of 20 percent over existing rates (equal to \$1.00) in any given year, or on a cumulative basis over any five consecutive year period.

On the Harford Pier, parking for commercial fish offloading and the general public is an important access issue. As discussed in the priority land use summary above, LUP Figure 8-5 will be updated to clearly identify areas designated for commercial fish operations and general public parking. With this



modification, a baseline of current conditions will be clearly established in the LUP. Parking for high priority uses can be assured, user conflicts can be avoided, and any changes to the current parking situation can be reviewed for Coastal Act consistency through the coastal development permitting process.

With these modifications the LUP amendment is consistent with Coastal Act Sections 30210 through 30214 and 30220 through 30224.

#### Scenic Resources and Community Character

The Coastal Act protects scenic resources and aims to maintain the character of special coastal zone resources. The new uses and development expansions provided under the LUP amendment will alter the overall scenic qualities of the area. Modifications are suggested in multiple planning sub-areas. On the Harbor Terrace, the suggested modifications require that future commercial retail establishments be sited on the lower, previously graded portion of the site, and limits structures to two stories with a maximum height of 25 feet. Hotel and motel units are limited to single-story with a maximum height of 15 feet. Use of the 4.62 acre parcel proposed to be added to the Harbor Terrace (APN 76-171-21) is limited to walk-in/bike-in camping, which in turn will prevent unsightly road cuts and grading and will preserve the native vegetation and open space areas that form the scenic backdrop of the upper hillside. Use limitations on the 4.62-acre parcel must also be graphically depicted and noted in an updated LUP Figure 8-6. Other modifications expand on the proposed landscaping requirements and require restoration of visually degraded areas. All new structural development on the Harbor Terrace must include appropriate building design, materials, and colors that blend with the natural surroundings. Overall, the suggested modifications ensure that the design of the Harbor Terrace planning sub-area retains the scenic qualities and small-scale character of the area.

Within the Beach and Bluffs planning sub-area, sightseeing from the roadway and bluff overlooks is a popular activity. Nobi Point and Woodyard are unimproved scenic overlooks with panoramic ocean views. Oftentimes, however, views at the overlooks are obstructed because of RV parking and camping at these locations. To address this issue, a modification is suggested that prescribes a timing provision for the removal and relocation of these RV sites. The suggested modification requires that RV camping on Nobi Point and on the Woodyard overlooks be limited to no more than 5 years, or until a more appropriate location is established by the PSLHD, whichever occurs first. Extension of the timing provision is allowed for good cause, subject to review and approval by the Executive Director of the Coastal Commission.

On the Avila Pier, suggested modifications address the increased scale and massing of new structures that would adversely impact public views and alter the relatively undeveloped character of the pier. Commission staff supports the overall decrease in the total square footage of development allowed on the Avila Pier, but suggests that all new structures be located on the pier terminus, coupled with the restriction that individual buildings not exceed one-story and 2,000 square feet. This will allow some potential increase in square footage, while at the same time reducing the visual impacts of structural massing on the pier. General design guidelines are also added to new structures that may be proposed on the Avila Pier, including the requirement that they be single-story, a maximum of 15 feet in height,



and incorporate appropriate lighting, building materials, and design elements. The suggested modification further requires these changes to be graphically depicted and noted in an updated LUP Figure 8-7.

With these modifications, the LUP amendment is consistent with Coastal Act Section 30251.

#### Environmentally Sensitive Habitat Area Protection

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA). Although much of the land area envisioned for structural development is not ESHA, certain provisions applied to the Harbor Terrace must be strengthened to better protect sensitive habitat resources. Allowing only low impact campsites on the added 4.62-acre parcel avoids significant impacts to ESHA. Another specific modification calls for riparian habitat restoration and a 50-foot wide vegetative buffer for the coastal stream adjacent to Diablo Canyon Road. An additional modification requires new development on the Harbor Terrace to avoid the removal of coastal scrub habitat and native oak trees. Where avoidance is not feasible, development proposals must include a detailed tree replacement program

With these modifications, the LUP amendment is consistent with Coastal Act Section 30240.

#### Marine Resources and Coastal Water Quality

The Coastal Act requires the protection of marine resources and coastal water quality. Given the Port's location on and adjacent to the ocean, proposed development standards must address issues such as drainage, erosion and sedimentation, and contaminated runoff. On the Harbor Terrace, new development proposed on steep and potentially unstable slopes can cause erosion that can adversely impact marine resources and coastal water quality. For new development on the waters edge, such as parking improvements at the blufftop overlooks, contaminated runoff is an issue that should be addressed through the LUP amendment. Therefore, the suggested modification includes minimum standards and improvements to the overall objective of drainage and pollution control. The minimum standards include the requirement that post-construction Best Management Practices (BMP's) for the control and treatment of storm water runoff be designed to capture, infiltrate, or treat a quantity of storm water runoff equivalent to the 85<sup>th</sup> percentile 24-hour runoff event.

A new LUP policy is also needed to address aquaculture and mariculture. The proposed LUP amendment supports aquaculture and mariculture use by specifically allowing it in multiple planning-sub areas. Aquaculture and mariculture can adversely impact marine life and coastal water quality if not carefully evaluated. For these reasons, staff suggests a new standard that requires a coastal development permit to be processed for new and continued aquaculture and mariculture use within the Port. More importantly, the new standard establishes a set of marine resource and habitat related issues that must be addressed with any approval for such facilities. Issues include, but are not limited to: fish escapes; organic pollution and eutrophication; use of chemicals; space conflicts; physical impacts to the seafloor; anti-predation; and other ecosystem concerns.

With modifications, the LUP amendment is consistent with Coastal Act Sections 30230 and 30231.



### Hazards

The Coastal Act requires that new development be sited and designed to minimize risks to life and property specifically in areas of high geologic, flood and fire hazard. The Port is subject to coastal hazards from direct wave attack, ongoing shoreline erosion, faults, and landslides. The proposed LUP amendment adds a single standard to address natural hazards that does not adequately address the landslide hazards present on the Harbor Terrace site. The suggested modification requires that comprehensive geotechnical studies be performed prior to any new development approved on the site. Additionally, the suggested modification requires that new development designated for human occupation and use (e.g. hotels, motels, tent campsites, RV camp sites, offices, commercial areas) demonstrate slope stability of 1.5 and pseudostatic slope stability of 1.1. The suggested modification further addresses the potential for landslides by prohibiting uses on the upper slopes such as drainage detention basins, intensified landscape irrigation, or septic systems that could saturate the soils and add to further slope instability.

With these modifications, the LUP amendment is consistent with Coastal Act Sections 30235 and 30253.

### Archaeology

The Coastal Act requires that measures be taken in new development to avoid impacts to archaeological resources. The study area contains known archaeological resources that require careful consideration and protection. The proposed LUP amendment includes a single new standard to address archaeology. Modifications are required for the new standard to be consistent with the Coastal Act. Archaeological surveys must be performed in advance of new development activities and a contingency plan is required to address any resources discovered during ground disturbing activities. In any event, consultation with local Chumash representatives is required before and during ground disturbing activities in areas where resources may be impacted.

With these modifications, the LUP amendment is consistent with Coastal Act Section 30244

### Internal LCP Consistency

A number of modifications are necessary to assure that the amended LUP maintains internal consistency with the rest of the LCP in terms of the new information, development standards, and graphic figures. The existing San Luis Bay Area Plan contains background information related to public and industrial facilities and includes a number of graphic depictions that would be outdated if left in the LCP without modification. In addition to a number of edits to “clean-up” the LCP document and provide internal consistency, suggested modifications require that the graphic figures for the Harford Pier, Harford Landing, Harbor Terrace, and Avila Pier be updated and replaced to reflect the current conditions and suggested modifications made to the proposed LUP amendment.

### Conclusion

In conclusion, Coastal Commission staff recommends that the LUP amendment be approved, only if modified as suggested. As modified, the LUP amendment will provide the PSLHD with updated



development standards in support of an expanded harbor facility that meets their goals and objectives and still protects coastal resources consistent with the Coastal Act. With the modified LUP provisions incorporated into the LCP, the Port will continue to be able to provide high priority commercial fishing and recreational boating, lower-cost visitor-serving recreation, enhanced public access opportunities, and will protect and restore coastal resources.

**With the suggested modifications, staff recommends that the Commission find that the proposed LUP amendment is consistent with the Coastal Act.**

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## I. Staff Recommendation – Motions & Resolutions

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

### A. Denial as Submitted

***Motion (1 of 2).*** I move that the Commission certify Land Use Plan Amendment SLO-MAJ-1-05 (Part 1) as submitted by the County of San Luis Obispo.

**Staff Recommendation to Deny.** Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Deny.** The Commission hereby **denies** certification of the Land Use Plan Amendment SLO-MAJ-1-05 (Part 1) as submitted by the County of San Luis Obispo and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

### B. Approval with Suggested Modifications

***Motion (2 of 2).*** I move that the Commission certify Land Use Plan Amendment SLO-MAJ-1-05 (Part 1) for the County of San Luis Obispo if it is modified as suggested in this staff report.

**Staff Recommendation to Certify with Recommended Modifications.** Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

**Resolution to Certify with Suggested Modifications.** The Commission hereby certifies the Land Use Plan Amendment SLO-MAJ-1-05 (Part 1) for the County of San Luis Obispo if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.



## II. Suggested Modifications

The Commission suggests the following modifications to the proposed Land Use Plan amendment, which are necessary to make the requisite Coastal Act consistency findings. If San Luis Obispo County accepts and agrees to each of the suggested modifications within six months of Commission action (i.e., by May 16, 2007), by formal action of the Board of Supervisors, the Land Use Plan amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added. Each suggested modification includes a reference to the corresponding page number in the County LUP amendment submittal (Exhibit B).

### A. Suggested Modifications to the LUP amendment proposed for the San Luis Bay Area Plan, Chapter 6 (Land Use) and Chapter 8 (Planning Area Standards).

#### 1. Chapter 6 (Land Use)

(Mod 1 pg. 2) Amend the Public Facilities description in Chapter 6:

This land use category is applied to lands along Harford Drive owned by, ~~or~~ under long-term lease with, or being pursued for acquisition by the Port San Luis Harbor District. This land use also applies to the landside parcel adjacent to the Cal Poly Pier (APN 076-174-010), and the Cal Poly Pier. The lands owned by the harbor district are proposed for a wide variety of recreational uses, to be constructed in phases over a period of several years.

(Mod 2. pg. 4) Amend Public Facilities Program #4 in Chapter 6:

4. Future revisions to the harbor master plan should be based upon the following priorities:

Priority I: ~~Coastal-Dependent Uses~~

- a. Boating and fishing
- b. Aquaculture and mariculture
- ...

Priority II: ~~Coastal-Related Uses~~

- a. Boat trailer storage
- b. Equipment rental
- ...

Priority III: ~~Other Uses~~

- a. Other uses ~~which are neither coastal dependent or related,~~ including marine research and education, offices, or general retail.
- ...



**(Mod 3 pg. 4)** Add new Public Facility Program #5 in Chapter 6:

5. Port San Luis Harbor District and operators shall explore opportunities for low-cost boating and fishing programs. This may include, but is not limited to, providing mooring space and/or use of harbor facilities to non-profit groups, educational groups, and community programs at reduced rates when possible.

## **2. Chapter 8 (Planning Area Standards)**

**(Mod 4 pg. 5)** Modify the last sentence of San Luis Bay Rural Areawide Standard #1:

1. Port San Luis Lightstation. ...All development within the Lightstation Planning Sub-Area is to be in conformity with the applicable Avila Beach Urban Area Standards.

**(Mod 5 pg. 8)** Modify the last sentence of Avila Beach Urban Area Communitywide Standard #2:

2. ... Further, ~~no substantial damage shall be allowed to~~ significant disruptions to the environmentally sensitive habitat of San Luis Obispo Creek and its associated riparian habitat areas shall be avoided. Unavoidable impacts without shall provide equivalent offset mitigation ~~or~~ and enhancement measures.

**(Mod 6 pg. 8)** Modify Avila Beach Urban Area Communitywide Standard #4:

4. Permit Requirement. Unless otherwise specified in the Avila Beach Specific Plan, Minor Use ~~Plan~~ Permit approval is required for all proposed new uses. All development activities on the Tank Farm shall require Development Plan review and approval.

**(Mod 7 pg. 11)** Modify Avila Beach Urban Area Communitywide Standard #7:

7. Port San Luis Harbor District Port Master Plan. Permit approval of facilities under jurisdiction of the Port San Luis Harbor District may be granted only where consistent with the policies of the Harbor Port Master Plan, Appendix J of the Port Master Plan, the Local Coastal Program, the Coastal Act where applicable, and upon prior approval from the Harbor District.

**(Mod 8 pg. 11)** Modify Port San Luis Districtwide Policy #2 regarding development approvals:

2. Coastal Development Permitting Authority. All Port land-based properties are under the primary permitting jurisdiction of the County of San Luis Obispo, except for areas that have been previously filled or otherwise under jurisdiction of the California Coastal Commission. ~~Permitting for tideland and water areas are administered by the California Coastal Commission.~~ The California Coastal Commission retains permit jurisdiction for lands below the mean high tide line and where the public trust may exist.

**(Mod 9 pg. 11)** Modify Port San Luis Districtwide Policy #3 regarding mitigation measures:

3. Mitigation Measures. ~~In addition to Chapter Three policies, refer to the Appendix J of the~~



Port Master Plan for mitigation measures. New development shall avoid significant adverse impacts to coastal resources. Where significant adverse impacts cannot be avoided, appropriate mitigation measures shall be implemented. Refer to Appendix J of the Port Master Plan for some examples of mitigation measures.

**(Mod 10 pg. 12)** Modify Port San Luis Districtwide Policy #4 regarding the Cal Poly Pier:

4. Cal Poly Pier. The Cal Poly Pier (formerly Unocal Pier) is intended for ~~educational purposes only~~ public education, and public access and recreation purposes only. Use of the Pier for the support of offshore oil exploration is prohibited.

**(Mod 11 pg. 12)** Modify Priorities Services, and Facilities Policy #1:

1. Priorities for Development of Facilities and Allocation of Service Capacity. ...Prior to approval of any use that is not coastal dependent, the approval body shall make a finding that adequate resources and services are reserved for coastal dependent uses ~~proposed in this Master Plan~~. Development will reflect the priorities according to the following classifications:
  - a. ~~Coastal Dependent Uses~~ Priority I. The first priority is to meet the needs of uses that derive their viability directly from proximity to the ocean including: boating and fishing, Harbor operations, aquaculture and mariculture, beach activities, fish offloading and oceanfront recreational uses.
  - b. ~~Coastal Related Uses~~ Priority II. The secondary priority is to accommodate uses that relate to but do not require the presence of water including trailer boat storage, equipment rental, and seafood processing, as well as uses that provide for the needs of waterfront visitors and workers, such as overnight accommodations, restaurants, and parking.
  - c. ~~Other Uses~~ Priority III. The third priority is to accommodate those uses that do not otherwise fit into ~~coastal dependent~~ Priority I or ~~coastal related~~ Priority II uses, including marine research and education, offices or general retail.

**(Mod 12 pg. 12)** Modify Priorities, Services, and Facilities Policy #2:

- a. Water. ~~De~~ Usage shall not exceed the existing 100 acre-feet per year (AFY) available to the Harbor District from its Lopez entitlement. The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses ~~consistent with this Master Plan~~. ...
- b. Wastewater. ~~De~~ Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach Community Services District wastewater treatment plant. ...The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses ~~consistent with this Master Plan~~. ...
- c. Parking. ... ~~Require~~ New uses development shall ~~to~~ provide ~~additional~~ parking consistent



with the County Coastal Zone Land Use Ordinances and the Avila Specific Plan.

**(Mod 13 pg. 13) Modify Priorities, Services, and Facilities Policy #3:**

3. Boating and Fishing Facilities. Recognize ~~and protect~~ the importance of boating and fishing to Port San Luis. Protect, and where feasible upgrade boating and fishing facilities. by requiring ~~Other uses to~~ shall incorporate site and design measures that avoid interfering with these priority uses.

**(Mod 14 pg. 13) Modify Access Policy #2:**

2. Shoreline Access. Maintain public access to the beaches, oceans, and Port properties, and enhance where feasible ~~and consistent with public safety~~ and coastal resource protection.

**(Mod 15 pg. 13) Modify Access Policy #3:**

3. Development Contributions to Enhance Access. ~~Require new commercial developments or redevelopments to~~ New development shall provide public access improvements and enhancements...

**(Mod 16 pg. 13) Modify Aquatic and Terrestrial Habitats Policy #1:**

1. Marine Environments. Unless allowed under Chapter 3 of the Coastal Act, new development including alterations to port facilities ~~(other than those approved by Coastal Commission permits or on-going maintenance)~~ is prohibited in marine environmentally sensitive habitat areas (ESHA's) and shall not result in significant and unavoidable decreases in significant water quality impacts to ~~of San Luis Obispo Bay.~~ including Marine resources shall be maintained, enhanced, and where feasible restored. New development within the marine environment shall sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long term commercial, recreational, scientific, and educational purposes.

New development within or adjacent to the marine environment shall include water quality Best Management Practices (BMP's) before, during, and after construction.

Environmentally sensitive habitats to of San Luis Creek and other coastal creeks, including their associated riparian habitats, shall be protected, preserved, and restored where feasible.

**(Mod 17 pg. 14) Add a missing word to Aquatic and Terrestrial Habitats Policy #2:**

2. Clean Boating. The Port District shall participate with other entities in efforts to educate and encourage boaters and boating facility operators to use best management practices.

**(Mod 18 pg. 14) Modify Aquatic and Terrestrial Habitats Policy #4:**

4. Native Vegetation. Native oak trees and plant cover shall be protected wherever feasible. New landside development shall ~~Require~~ landscape plans that incorporate include only



native, drought tolerant plants and other coastal species appropriate to the site and that reflect the Port's waterfront character. Invasive plant species are prohibited.

**(Mod 19 pg. 14)** Modify Aquatic and Terrestrial Habitat Policy #5:

5. Land-based Sensitive Resources. ~~Incorporate decisions and implementation measures that protect environmentally sensitive resources.~~ Land based environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**(Mod 20 pg. 14)** Add new Aquatic and Terrestrial Habitat Policy #6 related to aquaculture and mariculture:

6. Aquaculture and Mariculture. Coastal development permit approval is required for the development or expansion of aquaculture and mariculture facilities. Aquaculture and mariculture facilities (including support structures such as, pens, nets, screens, anchors, holding tanks, intake and outfall lines, etc) shall be sited and designed to prevent adverse impacts to marine resources, environmentally sensitive habitats, water quality, coastal-dependent uses, and public access. Potential adverse impacts that shall be addressed include, but are not necessarily limited to, impacts from:
  - a. Fish escapes, including potential adverse impacts from genetic pollution of the wild stock, the transmission of disease from cultured fish to the wild stock, and the potential for cultured fish to become an exotic invasive species;
  - b. The culture of high trophic-level fish on stocks of low trophic-level fish and the ecosystem as a whole;
  - c. Organic pollution and eutrophication, including potential adverse impacts to the benthic environment;
  - d. The use of chemicals, including the use of antibiotics and/or anti-fouling treatments for fish pens;
  - e. Space and/or use conflicts;
  - f. Physical effects to the seafloor from anchors and/or other structures; and
  - g. Anti-predation devices.

Prior to approval of new or renewed aquaculture and mariculture facilities, evidence shall be provided that all other applicable regulatory agencies (e.g. CDF&G, RWQCB, USFWS) have approved the development or have determined that none is necessary.

**(Mod 21 pg. 14)** Modify Visual and Scenic Resource Policy #2:

2. Bluffs and Hillsides. ~~Site and design a~~ New Development on bluffs and scenic hillsides shall be sited and designed to protect scenic resources and ~~reduce prominent~~ enhance the visual



impacts quality of the bluffs and hillsides. Visually degraded areas shall be restored where feasible.

**(Mod 22 pg. 14) Modify Hazards Policy #1:**

1. Natural Hazards. ~~In areas subject to natural hazards, require new development to be located and designed to limit risks to human life and property to the greatest extent practicable.~~ New development within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. All new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion and geologic instability. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers.

**(Mod 23 pg. 15) Modify Open Water Policy #1:**

1. Water Space Distribution. The Port shall divide water areas among moorings for commercial fishing, recreational power and sailing vessels, anchorages, navigation channels, open water areas, swimming areas, and other water uses, ~~according to the Harbor District Board of Commissioners policy and changing market demands.~~

**(Mod 24 pg. 16) Delete Breakwater Policy #3 from the Open Water policy section in Chapter 8 and include it as new Public Facilities Program #6 in Chapter 6 with the following modifications:**

3. 5. Breakwater and Marina Proposals. Consider and evaluate complete proposals to expand the breakwater protection, including proposals for alternative breakwater systems, and developing a marina at Port San Luis. All breakwater expansion and marina proposals must be found consistent with the Coastal Act. All breakwater expansion and marina proposals shall include, but not be limited to, an evaluation of impacts to ocean currents, marine water quality, sandy bottom benthic habitats, sand supply, visual and scenic resource impacts, marina user affordability, lower-cost boating opportunities, and design alternatives that minimize impacts to coastal resources.

**(Mod 25 pg.16) Re-number and modify Open Water Policy #4:**

- 4 3. Limitation on Use. Maintain the Open Water Area for navigation purposes, fishing and boating, water sports, ~~and~~ biological resources, and other coastal dependent uses such as certain aquaculture and mariculture. Also allow ...

**(Mod 25 pg. 16) Modify Harford Pier Policy #1:**



1. Historic Character. Maintain and improve Harford Pier in accordance with the historic character and use of the facility ~~as well as~~. The heavy-timber wharf character shall be used as the basis for design of any additional structures and improvements consistent with the adopted Harford Pier Design Guidelines of June 1990.

**(Mod 26 pg. 16) Modify Harford Pier Policy #2:**

2. Reserve Space. All new developments and uses approved on Harford Pier shall be coastal-dependent. Notwithstanding the replacement of existing coastal related and visitor serving activities and uses, The replacement and/or alteration of existing coastal-related developments and visitor-serving activities and uses on Harford Pier shall not result in an increase or an expansion in the existing development footprint. reserve remaining space on Harford Pier for coastal-dependent uses. Maintain a 30-foot open space setback at end of pier shall be maintained.

**(Mod 27 pg. 16) Modify Harford Pier Policy #5:**

5. Limited Parking. Allow limited parking on Harford Pier consistent with the applicable fire authority requirements. Changes to parking and circulation patterns on Harford Pier (other than emergency closures and operation and maintenance activities covered under existing coastal development permits) that change the density or intensity of use of the land, or change the intensity of use of water, or of access thereto, shall require a coastal development permit from the California Coastal Commission.

**(Mod 28 pg. 17) Modify the heading for Harford Landing:**

Harford Landing. The following goal and policies apply only to the Harford Landing Planning Sub-Area. ~~The County of San Luis Obispo administers coastal development permits for Harford Landing.~~

**(Mod 29 pg. 17) Modify Harford Landing Policy #2:**

2. Beneficial use. Provide efficient, safe, and convenient parking and circulation to benefit all users. Changes in parking and circulation patterns on Harford Landing (other than emergency closures and operation and maintenance activities covered under existing coastal development permits) that change the density or intensity of use of the land, or change the intensity of use of water, or of access thereto, shall require approval a coastal development permit.

**(Mod 30 pg. 17) Delete “shoreline protection” use and the specific RV camping standard from the list of allowable uses in Harford Landing Policy #3.**

3. Limitation on Use. ... Permitted uses on Harford Landing shall include...~~shoreline protection, ... Allow RV camping until another suitable location is established on Port property.~~

**(Mod 31 pg. 17) Add new RV camping standards as Harford Landing Policy #4.**





4. RV Camping on Harford Landing. Except for the East Parking Lot, RV camping is allowed on Harford Landing for no more than 5 years following approval of this amendment (until November 16, 2011) or until another suitable location is established on Port property, whichever occurs first. Extension to this timeframe may be granted by the Executive Director of the Coastal Commission for good cause. Within the East Parking Lot, a minimum of twelve parking spaces shall be reserved for those vehicles pulling trailer boats, and their trailers. The balance of the East Parking Lot shall be mixed use parking, with priority given at all times to vehicles with trailer boats.

**(Mod 32 pg. 17)** Amend the Goal for the Beach and Bluffs planning sub-area:

Goal: ~~The Beach and Bluff Areas provide adequate public access, open space, and complementary facilities, where appropriate.~~ Maximize public access and recreation opportunities within the Beach and Bluff planning sub-area and provide open space and complementary facilities where appropriate.

**(Mod 33 pg. 17)** Amend Beach and Bluff Policy #1.

1. Public Space. ~~The Port shall~~ provide space for public viewing opportunities and ~~single-car~~ public parking at the bluff overlooks, consistent with the protection of coastal water quality and public safety needs including shoreline hazards and the stability of the bluffs. New development on the bluff overlooks shall be sited and designed to protect views to and along the ocean, be visually compatible with the character of the surrounding area, and, where feasible, restore and enhance visual quality in visually degraded areas. Parking improvements on the bluff overlooks shall include water quality protection measures to filter and/or treat storm runoff containing typical vehicular contaminants such as oil and grease.

**(Mod 34 pg. 18)** Amend Beach and Bluff Policy #4.

4. Small Craft Launch. Allow public vehicle access to Olde Port Beach free of charge for boat launching purposes consistent with public safety needs ~~while protecting~~ and natural resources protection.

**(Mod 35 pg. 18)** Delete “shoreline protection” use and the specific RV camping standard from the list of allowable uses in Beach and Bluff Policy #7.

7. Limitation on Use. Allow overlooks, paths, trails, parking, picnicking, restrooms, sightseeing facilities, interpretive display and exhibits, passive recreation commercial and recreational fishing, boat rental, small boat launching facilities, camping, trolley stop, visitor center, mobile retail vendors, outdoor events, public safety, coastal related temporary events, and beach nourishment, ~~and shoreline protection. Allow RV camping at the Bluff area until another suitable location is established on Port property.~~

**(Mod 36 pg. 18)** Add new RV camping standards as Beach and Bluffs Policy #8:



8. RV Camping on Blufftop Overlooks. RV camping is allowed on blufftop overlooks (e.g. Nobl Pt. and Woodyard) for no more than 5 years following approval of this LCP amendment (until November 16, 2011) or until another suitable location is established on Port property, whichever occurs first. Extension to this timeframe may be granted by the Executive Director of the Coastal Commission for good cause.

**(Mod 37 pg. 18)** Modify Harbor Terrace Policy #3 regarding Visitor Uses:

3. Visitor Uses. Provide visitor-serving retail uses that are complementary to the harbor so that this area may enhance the public enjoyment in ways that financially and physically support the Harbor District's public functions. Include overnight accommodations and commercial uses according to market demand and feasibility. Overnight accommodations shall include a ~~minimum of ten percent (10%)~~ affordable visitor-serving facilities.

**(Mod 38 pg. 18)** Modify Harbor Terrace Policy #5:

5. Pedestrian Access. ~~In a~~ New visitor-serving developments on Harbor Terrace, ~~shall~~ incorporate measures to provide safe pedestrian access onsite and coordinate access to the beach and other Port facilities.

**(Mod 39 pg. 19)** Modify Harbor Terrace Policy #7:

7. Trailer Park. The existing trailer park shall be closed, consolidated, or relocated consistent with the California Harbors and Navigation Code 6086 and Government Code 65863 prior to, or concurrent with, any approved development of the site. The mobile home park shall be consolidated, closed, or relocated, in a manner that maximizes the area available for coastal dependent and coastal related land uses prior to or concurrent with any approved development of the site.

**(Mod 40 pg. 19)** Add New Harbor Terrace Policy #10:

10. Harbor Terrace Planning Criteria: Development plans for Harbor Terrace shall be evaluated according to the following criteria:

a. Proposed uses of the Harbor Terrace site shall include sufficient area for the highest priority coastal-dependent and coastal-related uses. Other uses shall be designed and constructed to avoid interferences with coastal-dependent and coastal-related uses. To ensure that future development of the Harbor Terrace provides adequate facilities necessary to serve the highest priority uses and does not reduce opportunities for lower-cost visitor serving uses and coastal access and recreation, future development proposals shall provide the following:

1. A minimum of 70 trailer boat storage spaces, 20 marine gear storage spaces, 48,000 square feet of general public parking (which includes public parking for a possible Harbor Office meeting room), and 10,000 square feet of expansion area that



will be reserved to accommodate coastal-dependent and coastal-related uses. These uses shall be located in the western and southwestern portions of the site in order to maximize proximity to the coast and other associated harbor facilities, unless another location is equally sufficient.

2. A minimum of one (1) lower-cost campsite (car or walk-in/bike-in tent campsite) must be provided for every one and a half (1.5) unit of hotel/motel (cabin, bungalow, inn, yurt, casita) development. A minimum of one (1) lower-cost campsite (car or walk-in/bike-in tent campsite) must be provided for every three (3) RV campsites.

3. Permits necessary to construct the minimum number of lower-cost campsites (car or walk-in/bike-in tent campsites) must be approved prior to or concurrently with any permit approval for hotel/motel and/or commercial retail development on the Harbor Terrace, and the lower-cost campsites must be available for use within one year of the opening of the hotel/motel and/or commercial retail development.

4. All commercial uses must serve coastal dependent uses, coastal-related uses and/or provide visitor-serving uses.

5. With the exception of an on-site campground host or campground facilities manager, all overnight accommodations to be developed on the Harbor Terrace shall be exclusively available to the general public for transient occupancy. The establishment or conversion of overnight accommodations to a private or members only use (e.g. timeshares or condominiums), or the implementation of any program to allow extended and exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is prohibited.

6. Specialized programs and temporary events are subject to land use approval consistent with the LCP. Outdoor events conducted on the site shall be planned and staged so that noise generated by the event, attendees, and traffic is minimized. Temporary events shall not interfere with harbor operations and boating and fishing activities.

b. New development shall be sited and designed to minimize the visual impacts of the development, including those related to light and glare, in order to preserve the scenic quality of the area as viewed from public viewing areas, adjacent roads, piers, beaches, and the ocean. Special attention shall be given to maintaining character of the Harbor area. This shall be accomplished by:

1. Restricting the development of commercial retail facilities and structures (eating and drinking establishments, food and beverage retail sales, commissary, market, meeting rooms, parking, etc.) to the lower previously graded portions of the site, as depicted in Conceptual Harbor Terrace Plan Figure 8.6.

2. Limiting commercial retail facilities/structures and the harbor office/shop to two-



stories with a maximum height of 25 feet.

3. Limiting hotel motel units (yurts, cabins, inns, casitas, bungalows) to single-story with a maximum height of 15 feet.

4. Limiting the use of APN 76-171-21 to walk-in/bike-in camping. The small, previously disturbed area on the northwest portion of the parcel adjacent to the existing access road may be used for structures necessary to serve the walk-in/bike-in campsites. No new road development or road improvements shall occur on APN 76-171-21, and vegetation removal shall be minimized. Each walk-in /bike-in site shall be limited to a level area or platform for a tent, a picnic table, a fire ring, and a water spigot.

5. Requiring that all development to be designed, colored, and sited to minimize visibility within the public viewshed. New development shall avoid large, boxy structures by providing variations in height, articulated roof forms and pitch, and open space view corridors. Structures shall blend in with the natural surroundings by using earth toned colors and materials. Reflective materials and finishes are prohibited. Lighting (particularly overhead street lights should they be necessary) shall be minimized in number and shall be shielded to orient lighting downward. All development shall be landscaped with native vegetation appropriate to the site in order to soften the visual prominence of the new development and to restore the visual qualities of the site.

6. Requiring that landscape plans and appropriate irrigation plans be submitted with new developments. Plans shall identify revegetation areas necessary to stabilize slopes and planting areas necessary to minimize visual impacts of grading/terracing and the proposed use of the site. Landscape plans shall utilize native plant species appropriate to the site, and shall be designed to minimize the visual impact of all development on the site as viewed from public viewing areas, piers, beaches, and the ocean. Alteration of natural landforms is to be minimized and any areas of cut/grading shall immediately be re-seeded using a native seed mix.

7. Requiring a restroom building or other structures necessary to serve the campsites to be sited in the least visible portions of previously disturbed areas, and designed and landscaped to prevent its visibility from public view.

8. Requiring that any improvements or additions to the existing water tank to be limited to the minimum necessary to provide approved site development with water storage for domestic supply and fire protection purposes; shall be placed underground to the greatest degree feasible; and shall be sited, colored, and landscaped to minimize visibility from public viewing areas (including roads, piers, beaches, and offshore areas).

9. Requiring at the time of coastal development permit application, or as part of an



environmental review document, a detailed visual analysis which demonstrates that the visual and scenic character of the site will be preserved and improved where possible.

c. To protect and enhance sensitive biological resources and habitat areas, including water quality, on and adjacent to the Harbor Terrace site, the following measures shall include, but are not limited to:

1. The revegetation of all cut slopes with native species appropriate to the site.

2. The replacement of all oak trees in areas adjacent to existing oak woodland habitat, if the removal of such oak trees cannot be avoided. The number and replacement of trees shall be adequate to ensure that an equal or greater number of oak trees, in comparison to the number of trees removed, will be successfully established. A tree replacement program, including long-term maintenance measures, shall accompany any development plan that involves the removal of existing oak trees. This program will include strategies for improving natural oak recruitment.

3. Designing grading and construction activities to avoid disturbance of habitat (e.g. coastal scrub habitat) and minimize the removal of oak trees.

4. The establishment, management, and maintenance of setback or buffer zones as habitat areas. The width of such setback/buffer areas shall be determined through a project specific biological analysis that identifies the minimum setback/buffer area necessary to protect the biological productivity of sensitive habitat areas. Setback areas necessary for fire safety shall be identified in the development plan and shall be designed to avoid the removal or disturbance of habitat areas. The width of the vegetative buffer area provided for the coastal stream adjacent to Diablo Canyon Road shall be no less than 50 feet.

5. Providing information to future guests regarding nature viewing opportunities

6. The provision of designated areas for pets so that native habitat areas are avoided.

7. Grading for approved development shall be designed and implemented to minimize sedimentation impacts on adjacent surface water bodies including coastal streams and San Luis Bay. Construction activities such as grading and clearing shall be scheduled to avoid the rainy season.

8. Minimize impervious surfaces and install post development BMP's to capture, infiltrate, and/or treat storm water runoff. The objective of drainage improvements shall be to avoid any increase in the quantity and intensity of storm water runoff exiting the site. Post construction BMP's shall be designed with adequate capacity to accommodate, at a minimum, the 85<sup>th</sup> percentile 24-hour runoff event.



9. If drainage facilities are proposed to flow into the stream/drainage channel adjacent to Diablo Canyon Road, the stream channel shall be restored to provide both flow capacity and natural habitat.

10. Filtering all drainage from parking facilities by using vegetated swales or oil/water separators to limit oil/grease pollution and the intensity of flow commonly associated with parking lots.

11. Use all BMP's possible to limit water quality impacts and eliminate to the greatest degree feasible the need for additional culverts and ocean/beach disposal points.

- d. Potential impacts to cultural resources shall be evaluated by all development proposals on the Harbor Terrace site, and the protection and/or mitigation for any significant resources identified shall be incorporated into the proposed site design in coordination with SHPO and the local Chumash tribe. Archeological field surveys shall be conducted prior to construction activities on the Harbor Terrace. In accordance with Section 23.05.140 of the CZLUO, all construction activities shall cease should resources be identified during construction. In such an event, construction activities shall not re-commence until measures protecting and/or mitigating impacts to archaeological resources have been developed and approved by Planning Director, Environmental Coordinator, SHPO, and the Chumash tribe.

No development shall occur west of Diablo Canyon Road other than restoration of the existing drainage course, and any cultural/archaeological preservation activities that have been coordinated and approved by the State Historic Preservation Officer and representatives of the appropriate Chumash tribe.

- e. To reduce hazards on the Harbor Terrace, new structures designated for human occupation and use (e.g. hotels, motels, campsites, parking lots, offices, commercial areas) must demonstrate a static factor of safety with respect to slope stability of 1.5 and a pseudostatic factor of safety to 1.1, using a horizontal seismic coefficient of 0.15g. In addition, uses on the Harbor Terrace or slopes above it that would have a significant potential to saturate the soils and add further slope instability, such as drainage detention basins or septic systems, shall be prohibited.

**(Mod 41 pg. 19)** Modify Lighthouse Policy #3:

3. Managed Access. The Harbor District shall provide managed public access to the Point San Luis Lighthouse (e.g. trail, ~~water taxi~~, access staging, kayak, shuttle) and improve connections between the Lighthouse and other Port properties. The development of piers and bluff stairways to access the Lightstation by water is prohibited. The Harbor District shall actively pursue public access alternatives and road improvements to enhance land access opportunities to the Lightstation. Alternatives and enhancements may include, but are not limited to: lot line adjustments, land acquisitions, and easements to secure alternative access routes; road improvements; removal of barriers to access; multi-passenger vehicle access;



construction of improved pedestrian/bicycle pathways from Avila Beach to the Lightstation entrance.

**(Mod 42 pg. 19)** Modify Lighthouse Policy #5:

5. Limitation on Use. Allow uses that comply with deed restrictions and the Lighthouse Documents of Acquisition and Utilization, including docent-led access, camping, ~~bed and breakfast~~ lower-cost overnight accommodations (only in existing buildings ~~for a maximum of 40 overnight guests~~), special events, paths and trails, sightseeing, picnicking, historic sites and museums, specialized programs, boat storage, administrative offices, maintenance shop, ~~boat launching, water taxi,~~ communication facilities, passive recreation, temporary events, ~~shoreline protection,~~ and lighthouse-related gift and novelty shop.

**(Mod 43 pg. 20)** Add new Lighthouse Policy #6:

6. Permit Requirements. Coastal Development Permit approval is required for changes in use, temporary events, special events, and specialized programs to be held at the Lightstation.

**(Mod 44 pg. 20)** Modify Avila Beach, Pier, and Parking Lot Policy #6:

6. Limitation on Use-Avila Pier. New uses shall be in support of coastal dependent, coastal related, marine related visitor-serving, or marine related recreational uses with a maximum buildout potential of 6,000 square feet. The pier terminus may be developed in one or more leaseholds, provided that individual structures do not exceed 2,000 square feet. Structures are limited to single-story with a maximum height of 15 feet. The location of new structures and related pier improvements are to be consistent with an updated figure 8-7 Conceptual Avila Beach Facilities Plan. New development must incorporate appropriate lighting, building materials, and design elements. Proposals must meet fire authority requirements, parking requirements, ~~Chapter 4 Port Master Plan~~ design recommendations for Avila Pier, and be approved at a public hearing of the Harbor Commission. Allow commercial and recreational fishing, coastal access, marine related wholesale and/or retail, ~~eating and drinking establishments,~~ yachting and rowing clubs, boat rental, small boat temporary storage, launching facilities, sportfishing, sightseeing facilities, other marine-related facilities, aquaculture, direct seafood sales (from docked boats), educational, historic, and fisherman's marine-related displays and exhibits, passive recreation, food and beverage sales in conjunction with marine related facilities, restrooms, outdoor retail events, public safety facilities, accessory storage, and major emergency use.

**(Mod 45 pg. 21)** Modify Avila Beach, Pier, and Parking Lot Policy #7:

7. Parking Standard. The Harbor District may use revenues from a paid parking program to support Avila Beach, ~~and Pier, and Parking Lot~~ public facilities. Minor Use Permit approval is required for any substantial parking fee increases above the existing parking rate of \$5.00 per day. For the purpose of this standard, a substantial increase in fees means an increase of 20% or more in any given year or on a cumulative basis over any five consecutive year



period.

**B. Suggested Modifications to LCP Figures and Text Not Addressed by the LUP Amendment Submittal Necessary to Achieve Internal Consistency.**

**I. FIGURES**

- (Mod 46)** Maintain Figure 8-3 Avila Beach Community Services District. Do not replace as ~~Figure 1-4~~ as presented in the LUP amendment submittal.
- (Mod 47)** Modify Figure 8-4 Port San Luis Planning Areas. Replace Figure 8-4 in the current San Luis Bay Area Plan with the graphic shown on page 15 of the LUP amendment submittal and (Exhibit C).
- (Mod 48)** Modify Figure 8.5 Conceptual Harford Pier Plan. Figure 8.5 shall be updated to clearly and accurately depict (consistent with the format of other conceptual development figures) all modifications specified above. The updated figure shall be in substantial conformance with the Harford Pier Parking and Facilities Plan as shown in Exhibit F of this report.
- (Mod 49)** Add new Figure 8.6 Conceptual Harford Landing Plan. A new Figure 8.6 Conceptual Harford Landing Plan shall be added to the LUP. Figure 8.6 shall clearly and accurately depict (consistent with the format of other conceptual development figures) all modifications specified above. The new figure shall be in substantial conformance with Conceptual Harford Landing Plan as shown in Exhibit C-3 of this report. Necessary details include: the location of commercial fishing and recreational boating facilities; the location and number of public parking spaces; the location and number of trailered boat spaces; a citation indicating a minimum of 12 trailer boats parking spaces reserved for such use in the East Parking Lot; and the location of coastal accessways.
- (Mod 50)** Modify Figure 8.6 Conceptual Harford Terrace Plan. Figure 8.6 shall be updated to clearly and accurately depict (consistent with the format of other conceptual development figures) all modifications specified above. The updated figure shall be in substantial conformance with the Harford Terrace Conceptual Land Use Plan as shown in Exhibit C-5 of this report. Necessary details include: the size and location of areas reserved for trailer boat storage, marine gear storage, and public parking; designation of the riparian restoration and 50-foot wide landscape buffer area for the coastal stream adjacent to Diablo Canyon Road; a notation indicating the use restrictions (walk-in/bike-in camping only) on the 4.62-acre parcel (APN 76-171-21); a depiction of the commercial retail area located on the lower, previously graded portion of the terrace.
- (Mod 51)** Modify Figure 8.7 Conceptual Avila Beach Facilities Plan. Figure 8.7 shall be updated to clearly and accurately depict (consistent with the format of other conceptual development figures) all modifications specified above. The updated figure shall be in substantial





conformance with the Conceptual Avila Pier Plan as shown in Exhibit C-7 of this report. Necessary details include: a notation indicating a maximum of 6,000 square feet of lease space on the pier terminus; a notation indicating a maximum of 2,000 square feet for individual building; a notation indicating the design guidelines (design, color, lighting, etc.) for buildings and including the requirement that they be single-story and a maximum of 15 feet in height.

## **II. TEXT**

### **(Mod 52)**

1. San Luis Bay Area Plan, Chapter 4 (“Circulation”), Part B (“Other Transportation Modes”), page 4-4 (“Harbor”), paragraphs 3 and 4:

The current interim development plan for the harbor has been significantly reduced to reflect the amount of development that could be accommodated without completion of a breakwater. The development plan includes ~~a limited landfill site and~~ grading and terracing of a previously disturbed hillside for boat storage, gear storage, RV park, ~~and~~ camping, and visitor-serving lodging and associated commercial development, public parking areas, and other harbor uses as detailed in the Chapters 6 and 8 of the San Luis Bay Area Plan. ~~The proposed landfill area will be designed to provide additional boat haul out and repair capacity, as well as winter storage.~~ Any interim development (in addition to moorage) should make full use of the land area currently owned by the district. This is the maximum project which is currently considered for inclusion in the LCP to establish the type and intensity of use permitted.

~~Union Oil Company presently owns the pier in the northerly central part of the harbor and leases wetland under the pier. There are no current plans for expanding the existing deep draft facilities. (LCP)~~

### **(Mod 53)**

2. Coastal Plan Policies, Chapter 5 (“Commercial Fishing and Recreational Boating”), pages 5-3 – 5-4 (“Proposed Developments”):

Proposed developments. The Harbor District has identified a long-range project to increase harbor efficiency, increase commercial fishing and recreational boating activities, and provide services to other coastal-dependent uses. Several proposed developments are outlined in detail in the master plan, including the following:

- 1) improvements to the old port beach and bluff area;



- 2) ~~a recreational vehicle park on the harbor terrace~~ mixed use development on the harbor terrace;
- 2) improvements to the Avila pier and beach facilities;
- 3) lighthouse point and open waters; and
- 4) Harford pier and landing ~~landfill area.~~

In 2004, the Port San Luis Harbor District updated its Master Plan. Relevant provisions have been incorporated into the LCP according to the standards provided in the San Luis Bay Area Plan.

The proposed development plan for the Harbor will be designed to provide ~~additional boat haulout and repair capacity facilities. as well as storage during the winter storm period.~~ Presently, the boat ~~storage~~ repair area is located within the harbor parking lot which reduces parking for day use and causes substantial congestion of the facility. ~~The port currently has a waiting list of boat owners wishing to have their boats removed from the water for storage or repair.~~ It should be noted that Port San Luis is one of very few facilities that provides an area where individual owners can do their own work on and repairs. ~~During the summer months, when most boats will be returned to the water, a portion of the landfill could be made available for additional parking for visitor use to include auto trailer spaces.~~

~~The remaining hillside, including an active slide area, may then be terraced to provide for lower western and southwestern portion of the Harbor Terrace area, which has been disturbed as a result of prior grading activities, shall be used to accommodate additional boat storage for smaller boats that can be trailered, other facilities that serve commercial fishing and recreational boating, and public access and visitor-serving facilities, according to the specific Planning Areas standards contained in the San Luis Bay Area Plan. It should be noted that this site has previously undergone substantial site alteration. It should be noted that this site has previously undergone substantial site alteration and the proposed removal would be in part to restore the existing site. Extensive landscaping, and revegetation, and stabilization of unstable slopes would will be necessary to reduce the potential visual impacts of site alteration and new development and ensure its structural integrity location of storage areas.~~ This is the maximum project which is currently considered for inclusion in the LCP to establish the type and intensity of use permitted.

3. Coastal Plan Policies, Chapter 5 (“Commercial Fishing and Recreational Boating”), page 5-5, last 3 paragraphs:

A final impact of port development would be the visual impacts associated with the ~~landfill and hillside project.~~ ~~The completion of the landfill will alter the present land configuration but will not substantially intrude on the natural landscape.~~ However, the use proposed of the landfill for storage and repair areas will require extensive fencing, screening and planting to mitigate the visual intrusion. ~~The hillside extraction and terracing and the~~



~~location of storage areas. Any development on the Harbor terrace site will also require significant revegetation for and slope stabilization pursuant to the Planning Area Standards contained in the San Luis Bay Area Plan stabilizing the resultant slopes and major screening and planting.~~

~~The modified plan for improvements at Port San Luis are consistent with Coastal Act policies. N the impacts to the marine habitat that would result from the improvements, particularly the sandy beach and bottom habitats, would be offset by the additional habitat at areas provided by the rocky face created with construction of the landfill. (This is supported by discussions of the potential impacts with California Department of Fish and Game personnel.) Feasible mitigation measures are provided through detailed standards by which the landfill project would be evaluated.~~

~~In addition, no feasible less environmentally damaging alternative exists. The harbor is constrained by a steep backdrop of hills. Alternative landfill projects to expand service capability for commercial fishing, recreational boating and support uses would require either: 1) fill to the north along the rocky intertidal and rock pinnacle area, or 2) removal of other portions of the sandy beach which are more heavily used and linked more directly to adjacent recreational areas.~~

### III. Findings and Declarations

The Commission finds and declares as follows:

#### A. Background

##### 1. Port San Luis Harbor Location

Port San Luis Harbor is centrally located along San Luis Obispo County's coastline, sited in the northwest section of San Luis Obispo Bay between Point San Luis and Pismo Beach. The Port is bounded by Point San Luis to the west, the Irish Hills to the north, Sunset Palisades on the east, and the Pacific Ocean to the south. With the exception of Avila Beach, Avila Pier and the Avila Parking Lot, Port facilities within the project study area are primarily located approximately one mile west of the community of Avila Beach. See Exhibit A for regional location maps.

##### 2. Port San Luis Harbor Existing Facilities

The following description of existing facilities is organized into sections based on the seven distinct planning sub-areas of the Port Master Plan and the proposed LUP amendment, including: Open Water, Lightstation, Harford Pier, Harford Landing, Beach and Bluffs (including the Cal Poly Pier), Harbor Terrace, and Avila Beach, Pier, and Parking Lot.



### Open Water

Open Water facilities include a 2,400-foot rubblemound breakwater constructed by the U.S. Army Corps of Engineers in 1913. The breakwater affords protection from ocean swells primarily from the northwest. The Port is exposed to winter storm surge and southerly swells, and because of this the Port does not currently provide berthing space in the form of docks and slips. Rather, the Port provides mooring/anchoring spaces for approximately 278 boats divided among recreational power and sailing vessels, commercial fishing, and guest boats. A floating pen aquaculture facility is also located in the Open Water planning area of San Luis Bay.

### Lightstation

A historic Coast Guard Lightstation facility constructed in 1890 is located at Point San Luis near the landside end of the breakwater. According to the Port Master Plan the lighthouse is one of seven lighthouses constructed in California with a Victorian architectural style. Today there are only two remaining Victorian lighthouses on the West Coast. The Lightstation site consists of the lighthouse building, whistle houses, coal house, oil house, two duplexes, and various outbuildings. Currently, managed public access is available to the Lightstation through docent-led tours. The non-profit Point San Luis Lighthouse Keepers are responsible for managing and operating the Lightstation.

### Harford Pier

The Harford Pier is the visual focal point and the activity hub for Port San Luis Harbor. The Harford Pier is 1,456-feet long and provides the primary access point for boats. There are presently skiff racks and skiff tie-ups for 67 skiffs on the Harford Pier. The pier has four public hoists and four private hoists located at various locations up and down the pier. Public landings are located at three locations: two fixed, and one floating. A sport fishing company occupies space on the pier stem and operates a private boat landing and hoist. Also located on the stem of the pier is an outdoor fish market. Adjacent to Harford Pier is a floating work dock. Cleaning racks and sinks are available near the foot of the pier in support of commercial and recreational fishing activities. The most prominent structure on the pier is the old Pacific Coast Railway warehouse building located at the end of the pier. A wide variety of uses and activities take place within and adjacent to this building, including: commercial fish unloading; seafood processing and retail fish sales; an icehouse; cold storage facilities; boat fueling and sewer/bilge pumpout facilities; skiff storage and launching; harbor offices; patrol boat tie-ups; a NOAA tide station; a NWS weather station; two restaurants; public restrooms, public parking; public fishing; and public viewing areas. The Harford Pier is distinct from the other two nearby piers (Cal Poly Pier and the Avila Pier) in that it is a working pier, includes eating and drinking establishments open to the public, is open for vehicular traffic, and provides some public parking at the pier terminus.

### Harford Landing

Harford Landing abuts the Harford Pier and is also an important activity hub for the Port. Harford Landing serves primarily as a public parking lot and boat haul-out area. Approximately 248 automobile spaces are available, of which 20 spaces are bigger (40' or longer) to accommodate vehicles with boat trailers. Harford Landing is equipped with a 50-ton mobile hoist, a boat storage and maintenance yard, sport launch facilities, and a small craft launch ramp. A harbor office, shop and administrative buildings



are also located on Harford Landing. Harford Landing also serves other concessions including a marine supply store, restaurant and bait and tackle shop.

#### Beach and Bluffs

The Beach and Bluffs area includes the bluffs and shoreline adjacent to Avila Beach Drive. Primary uses of the area include entry to the Port and beaches for public day use. Sightseeing from Avila Beach Drive and its bluff overlooks is a popular activity. The beaches and shoreline below the bluffs can be accessed by stairways, two minor bluff trails, and a small vessel boat launch ramp (primarily used for kayaks, canoes, windboards, jet skis, small sail boats, etc.). Sunbathing, swimming, evening campfires, and picnicking are all popular activities at the beach area.

A second 3,082-foot pier, formerly used by the Union Oil Company for transporting petroleum products, is also within PSLHD jurisdiction. Unocal donated the pier to California Polytechnic State University (Cal Poly) in 2001. Cal Poly is now under a lease with the PSLHD and uses the pier for marine research and education. Most recently, the Coastal Commission approved a new seawater intake and marine research building at the end of the Cal Poly pier (see CDP 3-01-015-A1). Cal Poly will develop access improvements (e.g. benches, trails, interpretive signs, overlooks, and parking) as a condition of approval.

#### Harbor Terrace

The Harbor Terrace is a coastal hillside property overlooking the ocean at the intersection of Avila Beach Drive and Diablo Canyon Road. The site has been previously graded into a series of benches. The site is surrounded on three sides by private undeveloped agricultural grazing land and provides a primary visual backdrop for views from the piers, beaches and ocean. The Harbor Terrace currently provides a storage area for PSLHD materials, boat storage, and commercial fishing gear storage. A 100,000-gallon water tank is located at the northern boundary of the site, which provides water storage for the PSLHD. Approximately 3 acres of the Harbor Terrace site is currently occupied by the Port San Luis Trailer Park and is accessed by a narrow paved road on the eastern portion of the site.

#### Avila Beach, Parking Lot, and Pier

Avila Beach, Parking Lot, and Pier also fall under the jurisdiction of the PSLHD. Avila Beach is approximately 14 acres of sandy beach that extends from the mouth of San Luis Obispo Creek on the west to Pirates Cove on the east. Avila Beach is a popular visitor destination and provides a host of recreational opportunities. The Avila Pier was constructed in 1908 and was recently renovated by the PSLHD. The pier is 1,635 feet in length and varies in width (30' at the base, 20' along the stem, and 60' at the end). The pier includes some recreational boating facilities and is a popular public fishing pier. Structures on the pier include the historic yacht club at the base of the pier, public restrooms, lifeguard station, bait and tackle shop, and a fish cleaning station at the end of the pier. The Avila Parking Lot is located one block from the beach and was redesigned and rebuilt by Unocal during the recent cleanup effort. The Avila Specific Plan requires that 355 parking spaces be provided to serve beach and pier users. During the peak summer months the parking lot is heavily used by visitors to the area.



## B. LCP Amendment

### 1. Existing LCP Provisions

#### Structure of San Luis Obispo County LCP

The San Luis Obispo County certified LCP is composed of three primary parts: 1) Land Use Plan (LUP), which includes: Coastal Plan Policies, Framework for Planning, four Area Plans, and the Official Maps; 2) Ordinances, which includes: Coastal Zone Land Use Ordinance (CZLUO) Title 23 or the Implementation Plan (IP), Water Wells – Title 8, Building and Construction – Title 19, and Real Property Division – Title 21; and 3) Other, which includes: Categorical Exclusions, and Post Certification Appeal Maps.

The current LCP designates all coastal lands with Use Categories, which include an extensive list of possible uses for that area in a matrix known as Table O of the LUP. The two use groups that apply to the PSLHD are Public Facilities (PF) and Recreation (REC).

The Commission approved the LUP with modifications on October 14, 1982, and the IP was approved as submitted on October 7, 1986. The County assumed permit-issuing authority on March 1, 1988. The Port San Luis Harbor District area, however, remained an area of deferred certification when the San Luis Obispo County LUP was certified in 1982. The area was “whiteholed” from the LUP in order to provide adequate time for the updating of the Port’s Master Plan. On June 9, 1987, the Commission reviewed the updated Port Master Plan, which was approved with modifications and incorporated it in part into the certified LCP primarily as part of the San Luis Bay Area Plan.

#### Permit Jurisdiction

The Port San Luis Harbor District (PSLHD), a political subdivision of the State of California and an independent special district, manages the port and pursuant to a legislative grant of 1955 controls tideland properties of San Luis Bay out three miles. The PSLHD governs these areas in accordance with its 1984 Port Master Plan and 2003 Harbor District Code of Ordinances. Areas below the mean high tide line (MHTL), and areas where public trust lands exist, fall within the land use permit jurisdiction of the California Coastal Commission.<sup>1</sup> Areas above the MHTL that are not Public Trust Lands fall under the land use permit jurisdiction of San Luis Obispo County.

Much of the Port area is located either seaward of the mean high tide line (MHTL), or on tideland areas that have been previously filled, and therefore are within the permit jurisdiction of the California Coastal Commission. In terms of the seven distinct planning sub-areas, this includes: Open Water, Harford Pier,

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<sup>1</sup> Public Trust Lands are defined in Title 14 California Code of Regulations Section 13577(b)(2)(B)(f): Public Trust Lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to Public Trust at any time.



portions of Harford Landing,<sup>2</sup> Beach and Bluffs below the MHTL, and the Avila Pier. Upland planning sub-areas of the Port that are within San Luis Obispo County's jurisdiction include: Lightstation, portions of Harford Landing above the MHTL, Harbor Terrace, Beach and Bluffs above the MHTL, the sandy areas of Avila Beach above the MHTL, and the Avila Parking Lot. These areas are, however, also within the Coastal Commission's appeal jurisdiction.

## 2. Proposed LUP Amendment

The LUP amendment essentially proposes to include Chapter 3 of the recently updated Port Master Plan within the San Luis Bay Area Plan component of the LCP. Chapter 3 is the "Policy" chapter of the Master Plan, which describes the priorities, programs, goals, and development standards for each resource issue and/or planning sub-area. The organization of the amendment submittal generally follows the current San Luis Bay Area Plan format by first organizing information according to whether the new standards relate to Urban or Rural areas, then detailing whether they affect Areawide land uses, or only land uses within the Public Facilities (PF) or Recreational (REC) land use category.

The proposed LUP amendment includes minor changes to existing LUP programs (Area Plan Chapter 6), but primarily consists of changes to the Avila Beach Urban Area Standards (Area Plan Chapter 8). One important feature of the LUP amendment submittal is the way in which it refines the allowable uses designated previously by the County LCP in order to reflect the Port's current needs and priorities. To ensure that the new uses proposed in the LUP amendment fit with the existing LCP planning objectives, the submittal attempts to adhere to the County's existing land uses of the LCP. These uses form the basis for the proposed "Limitation on Use" standards included in the amendment submittal for each planning sub-area.

As described, the County LUP amendment submittal does not propose to incorporate the entire Port Master Plan into the LCP. The graphically depicted "conceptual developments" in the Master Plan are not part of the amendment submittal, but are used as reference and provide general context with respect to possible future developments at Port San Luis Harbor. The complete LUP amendment submittal is attached as Exhibit B. The conceptual developments used as reference for this analysis are attached as Exhibit C.

### LUP Amendment Planning Areas

The following section briefly discusses the LUP amendment proposal within each planning area and highlights possible future uses and developments envisioned under the Port Master Plan and facilitated through the amendment proposal. See also the existing facilities discussion beginning on page 27 of this report for a more detailed description of current conditions.

#### Open Water

The general distribution of activities in the Open Water planning sub-area will remain essentially the

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<sup>2</sup> Portions of Harford Landing are previously filled tidelands. These fill areas are retained within the Coastal Commission's original jurisdiction. The Port Master Plan references a 2004 boundary adjustment, however, at this time an adjustment has not been officially made.



same under the LUP amendment. One major concept envisioned for the Open Water area is to study the expansion of the breakwater to better protect the harbor in hopes of facilitating development of a new marina. The new marina would provide traditional docks and slips for boaters and would expand overall boating and fishing opportunities and the Port.

#### Lightstation

The proposed LUP amendment establishes a new list of allowable uses in conjunction with a number of new development standards for the Lightstation. Conceptual developments include: creating flexible support parking and staging areas; replacing the former pier at Coast Guard Beach; the establishment of a water taxi and/or ferry between public piers; incorporation of stairs and a pathway from the beach to the Lightstation; promotion of multi-modal access (e.g., trail, shuttle, water taxi, kayak) and the provision of improved connections between the Lightstation and other Port properties. One major change in use includes the provision for overnight accommodations (e.g. bed-and-breakfast, camping) and temporary events onsite.

#### Harford Pier

Overall, development standards related to the Harford Pier will enhance boating and fishing activities. New development opportunities are reserved for only coastal dependent uses, in-kind replacement and rehabilitation of existing visitor-serving uses, and improved access to the ocean. Physical improvements envisioned for the pier include: rehabilitation of the entire pier through a phased approach; building new public restrooms; additional interpretive signage; refurbishment of fish cleaning stations; additional fixed landings to accommodate visiting boaters; and additional skiff tie-ups and rack storage space.

#### Harford Landing

Physical improvements to the Harford Landing are intended to be supportive of coastal-dependent, coastal-related, and visitor-serving activities. Significant improvements envisioned under the LUP amendment include: additional parking spaces for vehicles towing trailered boats; new lease space; a scuba and kayak launch area; public restrooms, laundry and showers; skiff racks; a trolley stop; kayak storage; and bike racks. Improved waterfront pedestrian paths are also planned that will allow people to walk from one end of the Harford Landing to the other while enjoying the waterfront. Upgrades to the existing mobile boat hoist are also planned.

#### Beach and Bluffs

Improvement to the bluff overlooks (Nobi Point and Woodyard) is a significant element of the LUP amendment. Improvements include re-location of RV camp space and the addition of landscaping, signage, trash receptacles, fencing, and connections to existing and future pathways/stairways to the beach. This planning sub-area also plays a critical link in the establishment of the California Coastal Trail (CCT). As such, new standards are incorporated into the LUP to facilitate bikeways and walkways planned to improve access along this stretch of shoreline.

#### Harbor Terrace

The vision for the Harbor Terrace is to accommodate a mix of uses, with emphasis on coastal-related





and visitor-serving uses, so that the site can be financially and physically supportive of PSLHD operations. The LUP amendment allows for a range of overnight accommodations including: family or group camping, RV camping, small-scale hotel and motel units (i.e., cabins, inns bungalows, yurts, and casitas), complimentary retail service areas, and some trails and park open space. Other uses on the Harbor Terrace include the maintenance and improvement of fishing and boating storage space, maintenance facilities, harbor office and storage, as well as landscaping and drainage improvements.

#### Avila Beach, Pier, and Parking Lot

Avila Beach is primarily a visitor-serving recreation-oriented area geared for public use and enjoyment. Improvements under the LUP amendment are focused around the Avila Pier and Parking Lot. On the Avila Pier the LUP amendment provides for new interpretive exhibits, new skiff racks and access landings to facilitate boating use. Significant new lease space (up to 6,000 square feet) is planned for the Avila Pier terminus. Within the Avila Parking Lot, the LUP amendment envisions new lease space and/or affordable workforce housing.

### 3. Procedure/Standard of Review for LUP Amendments

The relationship between the Coastal Act and the local government's Local coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to be implemented on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act. In this case, the proposed LCP amendment affects the LUP component of the San Luis Obispo County certified LCP. Thus, the standard of review for the amendment is consistency with the Coastal Act.

## C. Coastal Act Consistency

The Coastal Act consistency analysis that follows has eight sections. The first section describes the land use issues, including a discussion of priority uses, agricultural protection, provision of public services, and the urban/rural boundary. The second details lower-cost visitor-serving issues. The third section details public access and recreation issues. The fourth describes scenic resource issues. The fifth details marine resources and water quality related issues. The sixth addresses environmentally sensitive habitat areas (ESHA) and other habitat-related issues. The seventh section addresses coastal hazards. The eighth section deals with issues related to protecting cultural resources. As described above, the standard of review for measuring Land Use Plan amendment submittals is consistency with the Coastal Act.

### 1. Land Use

#### A. Applicable Policies



#### Priority Use Policies

Coastal-dependent and coastal-related developments are among the highest priority Coastal Act uses. Section 30001.5 provides context for the Coastal Act's Chapter 3 policies, stating in part:

**30001.5:** *The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: ... (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*

Coastal Act Section 30222 states:

**Section 30222.** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Coastal Act Section 30255 also provides:

**Section 30255.** *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

The Coastal Act defines coastal-dependent and coastal-related as follows:

**Section 30101.** *"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.*

**Section 30101.3.** *"Coastal-related development" means any use that is dependent on a coastal-dependent development or use.*

#### Commercial Fishing, Recreational Boating, and Aquaculture

Providing adequate space and facilities to serve commercial fishing, recreational boating, and aquaculture are important land use considerations in this case.

Coastal Act Section 30222.5 provides:

*Oceanfront land that is suitable for coastal-dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Coastal Act Section 30224 provides:

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with*



*this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors to preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Coastal Act Section 30234 related to commercial fishing and recreational boating facilities states:

*Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Coastal Act Section 30234.5 provides:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

#### Agricultural Protection Policies

In the case of the Harbor Terrace planning sub-area, the land use designation change of three parcels from Agriculture (AG) to Public Facility (PF), and the compatibility of the new uses proposed with adjacent agricultural and other coastal resources is an important land use consideration.

Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land and requires that conflicts between agriculture and urban land uses be minimized:

**Section 30241.** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*



- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section 30242 establishes a general standard for the conversion of agricultural lands:

**Section 30242.** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Section 30243 addresses protection of the soil resource itself:

**Section 30243.** *The long-term productivity of soils ... shall be protected....*

Section 30113 defines prime agricultural land:

**Section 30113.** *"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

These Section 51201 paragraphs define such lands as:

- 1. All land that qualifies for rating as class I of class II in the Natural Resource Conservation Service land use capability classifications.*
- 2. Land which qualifies for rating 80 through 100 in the Storie Index Rating*
- 3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*
- 4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.*

#### Public Service Policies

General development siting and public service issues applicable to the LUP amendment are mainly the purview of Coastal Act Sections 30241(a) (cited above), 30250, 30252, and 30254.



Coastal Act Section 30250 states:

**Section 30250(a).** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Section 30250(b).** *Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

**Section 30250(c).** *Visitor-serving facilities that cannot be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Coastal Act Section 30252 states:

**Section 30252.** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Coastal Act Section 30254 states:

**Section 30254.** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

## B. Applicable Provisions of Proposed LUP Amendment



In general, the LUP amendment only allows development within Port San Luis Harbor that is directly associated with coastal-dependent and coastal-related fishing and boating, coastal access and recreation, and visitor-serving uses. The LUP amendment includes a new Districtwide policy for the Port that uses the priorities and policies of the Coastal Act when evaluating new development proposals. Coastal-dependent uses are the highest priority under the new standard, coastal-related uses are second priority, and other uses that do not otherwise fit into the first two categories are given third priority (see Districtwide Priorities, Services, and Facilities Policy 1). The LUP amendment recognizes the importance of boating and fishing and requires that other use incorporate site and design measures that avoid interference with these priority uses (see Districtwide Priorities, Services, and Facilities Policy 3). Marine science and education facilities are allowed on Port property so long as they do not limit the availability of infrastructure capacity for higher priority coastal-dependent and coastal-related activities (see Districtwide Priorities, Services, and Facilities Policy 6).

Under the proposed LUP amendment, urban public services provided for all uses are limited to those already allocated to the PSLHD. The sale or re-allocation of water and sewer entitlements to non-Harbor users is prohibited (see Service Capacity Standards 2.a. and 2.b.). As proposed, a portion of the Avila Beach Drive road capacity must be reserved for coastal-dependent uses, and traffic capacities on Avila Beach Drive must not exceed LOS C (see Urban Area Communitywide Standard B.2.).

The LUP amendment also establishes the development intent for the Harbor Terrace planning sub-area, which includes “a range and mix of uses, with emphasis on coastal-related and visitor-serving uses,” (see Harbor Terrace Standard 1). Harbor Terrace Standard 2 requires a reservation of space for current and future commercial fishing gear storage, trailer boat storage, and other harbor uses. More specifically, the LUP amendment proposes to change the land use category on three Harbor Terrace parcels totaling approximately 12.03 acres from Agriculture (AG) to Public Facility (PF). For the Harbor Terrace, the LUP amendment establishes a subset of allowable uses with an emphasis on coastal-related and visitor-serving uses. In addition, the LUP amendment proposes to expand the USL/URL around the three added parcels so that urban services can be provided to new developments (see Exhibit B-47). Under the proposed LUP amendment, public service extensions or connections through the Harbor Terrace to adjacent non-Harbor District properties are purposefully restricted (see Harbor Terrace Standard 9, Service Restriction).

The LUP amendment also proposes to change the land use category of the Cal Poly Pier from Industrial (IND) to Public Facility (PF) (see Exhibit B-46).

## C. Coastal Act Consistency Analysis

### 1. Priority Uses

The Coastal Act gives priority to coastal-dependent and coastal-related development over other types of development proposed along the shoreline. The proposed LUP amendment accounts for this requirement by recognizing that other uses at the Port must be designed and constructed so that fishing and boating uses are given priority. The LUP amendment also provides for a series of commercial visitor-serving facilities intended to generate revenue for the PSLHD. These facilities include new overnight accommodations at the historic Lighthouse, new retail space on the Harford Landing and



Avila Pier, as well as conference space, RV and tent camping, and hotel/motel units on the Harbor Terrace (a table of planned improvements is attached to this report as Exhibit D). While many of these developments will help generate additional revenues needed to finance the operation, maintenance, and expansion of higher priority coastal-dependent uses, they must not be developed in place of other higher priority uses.

The proposed LUP amendment falls short however, in identifying the specific facilities that are needed to support commercial fishing, recreational boating, and aquaculture. Commission staff has analyzed recent studies, the Port District's Master Plan, and the Final EIR in an attempt to quantify the amount of land area and the number of facilities needed to accommodate these uses. In addition to using this information, the Port has provided data gathered from interviews with users of the Port that help ascertain the type and extent of facility upgrades and expansions that will best meet the needs of high priority uses.

#### Harbor Terrace

Development of the Harbor Terrace must ensure that adequate coastal-dependent and coastal-related support facilities are provided. Reserving space and improving such uses are prioritized by the existing LCP. Under the current LCP, areas not dedicated for priority uses on the Harbor Terrace are designated for campground development. Previous attempts by the PSLHD to pursue development of a recreational vehicle park, and later a large-scale hotel/conference center, were met with opposition. As the Commission has previously found, the Harbor Terrace is an important site for high priority commercial fishing and recreational boating facilities in the coastal zone.

Coastal Act Section 30234 requires that fishing and boating facilities be protected, and where feasible upgraded. Existing facilities are not to be reduced unless the demand for the facility no longer exists or adequate substitute space has been provided. In this case, there is a demand for such facilities on the Harbor Terrace and the LUP amendment does not establish substitute space elsewhere within the study area to accommodate such uses. At a minimum, the existing commercial fishing and boating facilities on the Harbor Terrace must be retained. This includes 20 marine gear storage spaces and 64 trailer boat spaces.

In addition to retaining existing facilities, the LUP amendment should account for future needs. Evidence shows that the demand for boating and fishing facilities will likely increase. In 1997 the Port prepared an analysis of the demand for fishermen gear storage facilities, which suggests that gear storage areas should be expanded by about 5,500 square feet to make the area more functional and to meet the changing demands of commercial fishermen in the future.<sup>3</sup> To better accommodate the turning movements of large trucks, the same analysis suggests that the marine material storage area be expanded by roughly 6,000 square feet. Although the demand for commercial fishing facilities has decreased in recent years, the demand for recreational boating facilities is increasing. A 2002 study conducted by the Department of Boating and Waterways (DB&W) forecasts that between 2000 and 2020, the overall

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<sup>3</sup> From *Local Coastal Program Amendment Supplemental Information Draft*, October 1999.



number of boats in all of California will increase at a growth rate between 1.4% to 2.5% per year.<sup>4</sup> In addition, the DB&W study suggests there may be a growing demand for off-property dry storage facilities (like those provided on the Harbor Terrace), as trailerable boats get larger in size. Most recently, the Port was awarded a grant to improve its boat launching and support facilities. Data included in the grant application indicates that the new improvements will increase the number of recreational boaters at the sport launch by more than 50%. Under the grant program, the number of associated trailer boat parking spaces at the Port will increase from 20 to 48 spaces. The additional parking spaces will be at 60% capacity on weekdays and holidays and 100% capacity during peak recreational fishing days, with an estimated 3,000 additional boat launchings per year.<sup>5</sup>

Modifications are needed to accommodate existing and future high priority uses on the Harbor Terrace. The PSLHD has agreed to maintain existing facilities and has suggested that 6 additional trailer boat spaces, or a 10% increase in the number of spaces, are adequate to meet future demands. The PSLHD has also agreed to set aside 10,000 square feet of reserve space for future coastal-dependent and coastal-related uses. As such, the suggested modification requires a total of 20 marine gear storage spaces and 70 trailer boat spaces to be provided, with an additional 10,000 square feet of reserve space located on Harbor Terrace. The suggested modification also requires that the lowest-density number of general public parking spaces be accommodated (this equates to 48,000 square feet, or 120 spaces assuming that each space is about 400 square feet), recognizing that existing facilities may be consolidated and relocated in order to provide a more efficient use of space (see suggested modification 40).

Coastal Sections 30255 requires that coastal-related developments be accommodated within reasonable proximity to the coastal-dependent uses they support. For this reason, the suggested modification further requires that these facilities be located on the lower western and southwestern portion of the Harbor Terrace in order to maximize their proximity to the ocean and other related harbor facilities.

#### Open Ocean

For the Open Ocean planning sub-area, the LUP amendment establishes the following goal:

*“A water area with a healthy marine environment that is manageable and financially feasible, with limited user conflicts and sufficient public access.”*

According to information provided by the Port, adequate mooring space is available to serve boating and fishing use within the Open Ocean planning sub-area. There are currently 278 moorings available and 215 are in use, leaving 63 mooring spaces open. According to the Port, additional mooring space could also be secured near the Avila Pier. Thus, the Commission can find that the number mooring spaces are adequate to serve commercial fishing and recreational boating within the Open Ocean planning sub-area.

One minor modification, however, is needed to address the space distribution of moored vessels.

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<sup>4</sup> *California Boating Facilities Needs Assessment*, Department of Boating and Waterways, October 15, 2002.

<sup>5</sup> The annual number of trailer boat launches at the existing facility is estimated at 2,500. After improvements, the annual number of trailer boat launches is estimated to be 5,500.





Proposed Open Ocean Policy #1 allows the distribution of vessels to be based on “Harbor District Board of Commissioners policy and changing market demands.” This policy sets up a situation where smaller boats could be moved or displaced to accommodate larger vessels that generate more revenue for the Port. To assure that vessel space distribution is not driven solely on revenue generation, but rather by the needs of the boating community, the suggested modification deletes that particular phrase from the proposed LUP policy (see suggested modification 23).

#### Harford Landing

The Port Master Plan provides for 28 to 30 additional oversized parking spaces in the East Parking Lot near the boat launching facility on Harford Landing. The Plan suggests that these spaces will be developed with full service utility hook-ups for overnight RV camping.<sup>6</sup> Concerns have been raised that this area could be used solely for lower priority RV camping, rather than higher priority recreational boating and fishing parking. For this reason, the suggested modification reserves at least 12 of the new parking spaces in the East Parking Lot for boaters and fishers with trailers. The balance of spaces will be available for a mix of uses (e.g. RV parking and camping, equipment staging, fish offloading truck/delivery truck waiting area, etc.) Under the suggested modification, priority is given at all times to vehicles with trailer boats within the East Parking Lot (see suggested modification 31). This modification is necessary to provide adequate parking spaces for vehicles with trailer boats and to protect the ability of such users to park their trucks and trailers in close proximity to the boat launch facilities. The modification also serves to avoid conflicts with other lower priority users, such as RV's, that may compete with boaters for limited oversized parking spaces.

#### 2. Agricultural Conversion and Protection of Adjacent Agriculture

The issues of agricultural conversion and the protection of adjacent agriculture are limited to the Harbor Terrace planning sub-area. Three properties totaling 12.03 acres in the Harbor Terrace planning sub-area are currently within the Agriculture (AG) land use category and mapped outside of the USL/URL. As described previously, the LUP amendment proposes to change the land use category from Agriculture (AG) to Public Facility (PF) and relocates the USL/URL around the added parcels so that urban services can be provided to future developments.

The land use categories and the USL/URL were mapped in 1980 as part of the original adoption of the County's Land Use Element. At that time, the County intended to designate all lands used by the PSLHD as Public Facilities (PF) and include them within the URL/USL boundary. Portions of each parcel have been historically used by the PSLHD for boat and gear storage. One parcel contains the District's 100,000-gallon water storage tank. According to the County, it was a mapping error that incorrectly placed these lands in the Agriculture (AG) land use category and outside of the URL/USL. This oversight went undetected for over 20 years, and the purpose of this part of the LUP amendment is to correct the mapping error.

Irrespective of the mapping error, the Coastal Commission can still find the proposed land use designation changes to be consistent with the provisions of the Coastal Act. One exception is with the

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<sup>6</sup> See also County Coastal Development Permit Application DRC2005-00239.



4.62-acre parcel (APN 76-171-21) located on the northeast side of the site. For this particular parcel, modifications are necessary in order to avoid impacts to habitat areas and scenic views, and to ensure that adjacent agricultural land is adequately buffered from urban uses (see also ESHA and Visual resource findings).

Coastal Act Section 30241 requires that the maximum amount of prime agricultural land be maintained. None of the Harbor Terrace parcels are considered prime agricultural lands. The soils do not qualify as prime under the Natural Resource Conservation Service land use capability classifications, nor do they qualify as prime under the Storie Index Rating. The parcels have no recent history of agriculture or livestock grazing (at least not since the 1920's when the site was first used as a oil storage facility), and the carrying capacity of the land is well below the Coastal Act definition for prime grazing of at least one animal unit per acre. Agricultural plant production is not considered feasible due to poor soil quality and site drainage. Further, agricultural use of the parcels is already limited by conflicts with urban uses. As described, portions of each of the parcels are currently used to store boats, commercial marine gear, and harbor equipment. One of the parcels contains the Port's water storage tank. These areas are largely disturbed and provide important space for other higher priority coastal dependent and related uses.

The Coastal Act also requires that conflicts be minimized between agricultural and urban land uses. Privately held grazing land exists adjacent to the Harbor Terrace and it is important to avoid or reduce any potential impacts to, or conflicts with, adjacent agricultural lands and uses. As described previously, the proposed LUP standards eliminate the possibility that water and sewer facilities could be extended or connected from the Harbor Terrace site. Utilities to the site are purposefully limited to Harbor facilities and are not provided for any additional urban development off-site. Utilities and services cannot extend into the adjacent agricultural land, ensuring that the relocated USL/URL does not induce agricultural land conversion.

Another way the Coastal Act avoids conflicts between agriculture and urban development is through the use of buffers. In this case, natural buffers exist between the areas on Harbor Terrace proposed for development and adjacent grazing lands. Steep slopes and dense vegetation flank the northern property boundaries and will remain undeveloped. The effectiveness of the buffer is strengthened with the use restrictions imposed on the 4.62-acre parcel (APN 76-171-21). Use restrictions minimize disturbances in habitat areas, as well as reduce the potential for larger structures to be developed within the public viewshed (see also ESHA and Visual resource findings).

Coastal Act Section 30242 requires that lands suitable for agriculture not be converted to nonagricultural uses unless continued or renewed agriculture is not feasible, or the conversion would preserve prime agricultural land or concentrate development in existing developed areas. Permitted conversions must be compatible with continued agriculture on surrounding lands. As described, the parcels are not suitable for agriculture. This is due to a number of factors including: the presence of existing coastal-dependent harbor uses (such as stored boats and port materials); the presence of existing urban uses (such as roads and the Port's water storage tank); the irregular contours of the site (the parcels have been graded into a series of relatively flat benches); and the fragmented nature of the individual small parcels situated around the periphery of a larger 21.3-acre parcel already zoned for public facilities. Moreover, there is no history of agriculture on the parcels and continued or renewed



agriculture is not feasible. Use of the site with coastal-dependent and coastal-related developments has reduced the area available for renewed agriculture and it is highly unlikely that the PSLHD, or some other entity, could establish agriculture on the site. Furthermore, continued use and improvement of the agriculturally designated portions of Harbor Terrace for port related facilities will concentrate such uses within existing developed areas. For all of these reasons, the Commission finds that this land qualifies for conversion to non-agricultural uses.

### 3. Land Use Impacts on Coastal Resources

Under Coastal Act Section 30250(a) the establishment of new land uses and associated developments must not have an adverse impact, individually or cumulatively, on coastal resources. Under the LUP amendment, the subset of new allowable uses established for the Harbor Terrace can mostly be implemented without impacts to coastal resources. As described above, the exception is the 4.62-acre parcel located on the northeastern portion of the site. The parcel is predominantly covered with annual grassland and coastal sage scrub habitat that transitions into oak woodlands at higher elevations. These habitat areas provide a natural buffer between proposed development and adjacent rural agricultural lands and provide an important scenic backdrop to the site. Modifications are recommended that limit use of the parcel to walk-in or bike-in camping (see suggested modification 40). In this case, the Commission can find that some limited access trails and low-impact camp support facilities (i.e. a table, water spigot, etc.) could be developed consistent with the resource protection policies of the Coastal Act.

### 4. Public Service Supply

In terms of the adequacy of public service supplies, the Port Master Plan Final EIR<sup>7</sup> details the level of services needed for buildout under the Port Master Plan (see Section 5.5 of the Final EIR). Sewage disposal for the PSLHD is handled by the Avila Beach County Water District, which has a treatment plant capacity of 200,000 gallons per day (gpd). The PSLHD has contracted for 70,000 gpd of the treatment plant's capacity and has submitted data showing that wastewater generation at buildout will be approximately 23,556 gpd, or 35% of the Harbor District's allocation of treatment capacity. Regarding water supply, the PSLHD has an allotment of 100 acre-feet per year of water from County Service Area 12, which acquires and distributes water from the Lopez Reservoir. The PSLHD has submitted data showing that future water demand at buildout will be approximately 83.09 acre-feet per year, or roughly 83% of the Harbor District's total water allocation. The traffic capacity of Avila Beach Drive, which provides the only vehicular access to Port San Luis Harbor, is also a limiting factor for future buildout. The existing LCP requires that the traffic capacity on Avila Beach Drive not exceed a Level of Service C (LOS C). The PSLHD provided a traffic analysis showing that traffic capacity on Avila Beach Drive is available, consistent with the LOS C criteria at buildout. The County added another provision requiring that a portion of the Avila Valley Road capacity be reserved for coastal dependent uses at the Port.

As described, water and sewer supplies are adequate to serve planned development at the Port. Water

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<sup>7</sup> *Port San Luis Harbor District Port Master Plan Final Environmental Impact Report* (SCH#2003081007), prepared by Crawford, Multari & Clark Associates, certified by the Port San Luis Harbor District on April 27, 2004.



and sewer allocations under the LUP amendment can only be made to harbor users and lessees, and the sale or re-allocation of water and sewer entitlements to non-Harbor users is prohibited. In addition, the LUP amendment reserves traffic capacity on Avila Beach Drive for the highest priority coastal-dependent uses and retains the traffic capacity requirements of the current LUP. Planned development established under the LUP amendment will not exceed LOS C. With these standards included in the submittal, the LUP amendment can be found consistent with the Coastal Act regarding adequate public service capacities.

#### 5. Cal Poly Pier from Industrial (IND) to Public Facility (PF)

The Commission supports the land use category change of the Cal Poly pier from Industrial (IND) to Public Facility (PF). Historically, the pier was owned and operated by Unocal. The Industrial (IND) land use designation was fitting at the time when the pier was used for the transfer of petroleum products. In 2001, Unocal gifted the pier to Cal Poly state university for use as a marine research and educational facility. That same year, the Coastal Commission approved CDP 3-01-015 in support of the land use change. Future improvements to the pier include: a flowing seawater facility; new aquaria and research tanks; public access amenities; and other coastal-dependent/related uses. The proposed LUP amendment would simply change the LCP land use maps to reflect current conditions. Now the Public Facility (PF) land use category is more appropriate and the Commission finds the land use change of the Cal Poly pier consistent with the land use provisions of the Coastal Act.

#### D. Land Use Conclusion

There are several modifications necessary for the Commission to be able to find the proposed LUP amendment consistent with the land use policies of the Coastal Act. Major suggested modifications ensure that adequate facilities for fishing, boating, and aquaculture are provided on the Harbor Terrace, and adequate trailer boat parking spaces are available in the East Parking Lot. With development limitations placed on the 4.62-acre parcel, coastal resources are protected, including habitat areas, adjacent agriculture, and visual resources. Water, sewer, and traffic supplies are adequate to serve the development accommodated under the LUP amendment, and a stable urban/rural boundary is maintained. Overall, the suggested modifications ensure protection of coastal resources by limiting new development to existing developed areas able to accommodate it. In conclusion, the Commission finds the LUP amendment, if modified as described above, is consistent with the land use provisions of the Coastal Act.

## 2. Lower-cost Visitor Serving Opportunities

### A. Applicable Policies

Coastal Act Section 30213 states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility*



*located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

## B. Applicable Provisions of Proposed LUP Amendment

The LUP amendment proposes a single policy specific to the Harbor Terrace planning sub-area that is related to the provision of lower-cost visitor-serving opportunities. Proposed Harbor Terrace Policy #3 on page 18 of the submittal states:

*3. Visitor Uses. Provide visitor-serving retail uses that are complementary to the harbor so that this area may enhance the public enjoyment in ways that financially and physically support the Harbor district's public functions. Include overnight accommodations and commercial uses according to market demand and feasibility. Overnight accommodations shall include a minimum of ten percent (10%) affordable visitor-serving facilities.*

## C. Coastal Act Consistency Analysis

Coastal Act Section 30213 requires that lower-cost visitor-serving uses near the coast be protected, encouraged, and where feasible, provided. The proposed LUP amendment reduces opportunities for low-cost visitor-serving facilities by eliminating the LCP requirement that a campground be constructed on portions of the Harbor Terrace that are not needed for coastal-dependent and coastal-related uses. The precise number of lower-cost campsites that could be developed on the Harbor Terrace is unknown, but in 1987 the PSLHD proposed a 151-unit recreational vehicle (RV) campground facility on the site. This proposal was later withdrawn by the PSLHD due to public opposition, which raised concerns that this density of RV use would overburden the site to the detriment of coastal resources, including public views and the character of the area.

The suite of allowable uses established by the LUP amendment may be visitor-serving in general, but they are not necessarily expected to be lower-cost. For the purposes of this analysis, the hotel/motel units (yurts, cabins, inns, bungalows, and casitas) represent the highest cost overnight accommodation. Similar type accommodations, like Costanoa in the north coast of San Cruz County and Treebones in Big Sur, charge close to \$100 per night, and sometimes significantly more. RV campsites represent the middle cost accommodation, with self-contained RV units at the Port being charged \$20 per night and full hook-up sites being charged \$30 per night.<sup>8</sup> Other privately run RV camps in the area list rates between \$34 and \$49 depending on the time and season. Additional costs can also be expected for the purchase and/or rental of the RV itself and for the cost of ongoing operations. Regular tent campsites represent the lower cost accommodation. Public campsites in the area show a cost range of \$15 to \$30.

There currently appears to be an unmet demand for lower-cost visitor-serving facilities in the area. In 1999, consultants for the PSLHD conducted a telephone survey of such uses to determine what facilities were available, what the past and anticipated future demand for such uses might be, and whether or not there are plans for expansion. The results at that time showed that there were over 2,000 campground

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<sup>8</sup> From the PSLHD website: [www.portsanluis.com/services/camping.htm](http://www.portsanluis.com/services/camping.htm)



sites near the coast and that demand for such facilities was increasing. These findings are further supported in the Coastal Commission 2001 Periodic Review for San Luis Obispo County, which states in part:

*There continues to be unmet demand for both tent and RV camping in coastal San Luis Obispo County. On weekends between April and October virtually all the campgrounds are fully booked in advance, and potential campers are turned away. However, the number of coastal campsites may have already reached capacity; an increase at current locations could mean undue impact on sensitive coastal resources.*

In the time since these 2001 Periodic Review findings were made, Commission staff is unaware of substantial campground facility expansions at County Parks, State Parks, or private camping facilities in coastal San Luis Obispo County that would have satisfied this unmet demand. Additional lower-cost camping provided on the Harbor Terrace may also help reduce impacts on coastal resources by relieving some of the demand experienced at other locations.

As discussed previously, the Port needs to balance lower-cost uses with stable revenue generation in order to fund the ongoing operation and maintenance of coastal-dependent and coastal-related uses. The table below, which was taken from the Port Master Plan, shows a low and high-density range for each type of visitor-serving use proposed on the Harbor Terrace. The location and relative size (land area) of each type of use is graphically depicted using alphabetical keys (see Exhibit C-5). The areas with a corresponding letter (C) represent the overnight visitor-serving uses proposed on the Harbor Terrace. The density ranges shown in this table reflects the Port's current economic feasibility studies and understanding of how present and future demand for lower-cost visitor-serving uses on the Harbor Terrace can be accommodated.

<b>KEY C</b>	<b>USE</b>	<b>DENSITY RANGE</b>	
		<b>LOW</b>	<b>HIGH</b>
	Tent Camp Sites	22 sites	44 sites
	RV Camp Sites (may be combination RV/full service tent camp sites)	69 sites	125 sites
	Hotels and motels (e.g., cabins, bungalows, inns, yurts, casitas)	33 units	67 units

For new development on the Harbor Terrace to be consistent with the Coastal Act, a balance must be struck between the amount of regular tent/car campsites (lower-cost), RV campsites (middle-cost), and hotel/motel units (higher-cost) provided. The most critical question then becomes: To what degree should the Port provide lower-cost visitor-serving land uses on the Harbor Terrace? Using the table above, a comparative ratio of 1:3:1.5 between the different types of overnight accommodations is established (this ratio holds true for both the low and high-density ranges). The suggested modification carries this ratio through into the LUP in the form of a new development standard. The new standard



requires that at least one (1) tent campsite (drive-in (car), bike-in, or walk-in) must be provided for every three (3) RV sites. In addition, at least one (1) tent campsite must be provided for every one and a half (1.5) hotel/motel units (see suggested modification 40).

This modification serves three primary objectives: First, it ensures a portion of the new overnight accommodations will be dedicated to low-cost camping. Second, it ensures a greater mix of uses available to a wider spectrum of the public. Third, it ensures that the scale of development on the site will not be overburdened by one particular use to the detriment of coastal resources and the character of the area, including scenic views. To ensure that the low-cost visitor-serving accommodations are constructed at the same time as the hotel/motel units, or soon after, the suggested modification also requires that hotel/motel units and commercial retail developments can only be approved after, or concurrent with the approval of the minimum amount of lower-cost tent campsites, and that the campsites must be available for use within one year of the opening of the hotel/motel units or commercial retail developments.

#### D. Lower Cost Visitor Serving Opportunities Conclusion

As introduced above, modifications are necessary for the Commission to be able to find the proposed LUP amendment consistent with the Coastal Act policies related to lower-cost visitor-serving facilities. Suggested modifications ensure that lower-cost visitor serving opportunities are available at the Port, while at the same time meeting the District's financial needs. As modified, the LUP amendment is consistent with Coastal Act Section 30213, which requires that lower-cost visitor-serving facilities be protected, encouraged, and where feasible, provided.

### 3. Public Access and Recreation

#### A. Applicable Policies

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211.*** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212(a).*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*



*(2) adequate access exists nearby, or,*

*(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

**Section 30212.5.** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

**Section 30214(a).** *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

**Section 30220.** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30222.5.** *Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

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





## B. Applicable Provisions of Proposed LUP Amendment

The LUP amendment establishes a Districtwide access goal of: “Adequate access for all Harbor users.” Three Districtwide development standards are included in the LUP amendment, which specifically address coastal access and recreation opportunities at the Port. Access Standard 1 promotes boating and water access. Access Standard 2 provides for public shoreline access to the beaches and ocean. Access Standard 3 requires that new developments or redevelopments provide public access improvements and enhancements to beaches and the waterfront.

Within the Open Water planning sub-area, access and recreation opportunities for boaters are promoted with development standards that require adequate mooring space and maintenance of navigation channels (see Open Water Standards 1 and 2). On the Harford Pier, access to the ocean resource is provided through a series of standards that reserve space for coastal dependent boating and fishing uses and facilities (see Harford Pier Standard 2). Rehabilitation and expansion of the Harford Pier is intended to enhance access to the ocean (see Harford Pier Standard 4). On the Harford Landing, public access and recreation is addressed through Standard 2, which requires efficient, safe, and convenient parking and circulation to benefit all users.

Enhanced public access and recreation opportunities are also central to the LUP goals and standards included in the Lightstation planning sub-area. The goal for the Lightstation is: “A fully restored and protected facility that serves as an educational, historic, and recreation site, supported by managed access and predominantly external funding.” Managed public access to the Lightstation and improved connections to other Port facilities is a requirement under the LUP amendment (see Lightstation Standard 3). The LUP amendment also includes a subset of allowable uses that aim to enhance public access and recreation opportunities at the Lightstation. Allowable uses include: docent-led access, overnight accommodations, special events, paths and trails, sightseeing, picnicking, and opportunities to visit the historic site and museums.

The LUP amendment establishes the general goal for the Beach and Bluffs planning sub-area to include: “adequate public access, open space, and complementary facilities, where appropriate.” Beach and Bluffs Standard 1 promotes access on the bluff overlooks and encourages public viewing opportunities. The provisions of vertical access to the sandy beach and lateral access along the seaward side of Avila Beach Drive are provided in the proposed LUP amendment (see Beach and Bluffs Standards 2 and 3). Public vehicle access to Old Port Beach is protected under Beach and Bluffs Standard 4.

Harbor Terrace Standard 5 addresses pedestrian access through new visitor-serving developments. More specifically, the standard requires new development on the Harbor Terrace to provide pedestrian access onsite, and to coordinate access opportunities to the nearby beaches and Port facilities. Because the Harbor Terrace is considered an important upland area, standards are included in the LUP amendment to accommodate the needs of recreational users.

For the Avila Beach, Pier, and Parking Lot planning sub-area, the LUP amendment establishes a number of goals and policies intended to provide public access and recreation. Water access and beach recreation are highlighted in every part of the planning area (see Avila Beach, Pier, and Parking Lot Standards 1 and 2).



### C. Coastal Act Consistency Analysis

The Port provides important public access and recreation opportunities in the form of fishing and boating, as well as direct access to the ocean, sandy beaches, hiking trails, overlooks, bike paths, and piers. The proposed LUP amendment maintains existing access and aims to promote and enhance opportunities in almost all planning sub-areas. Nevertheless, issues are raised and modifications are necessary for the LUP amendment as proposed to be consistent with Coastal Act.

#### Public Access and Recreation Issues

##### 1. Lightstation

First and foremost, improving access to the historic Lightstation is an important consideration that must be addressed through the LUP amendment. Currently, the public can only access the Lightstation through managed docent-led tours that begin at the Diablo Canyon Nuclear Power Plant entrance gate. Visitors must get security clearance before taking the Lightstation tour, which in turn diminishes the overall access and recreation experience for the user. Once past the security gate, access is limited on the road between Diablo Canyon Road and the Lightstation (part of the Pecho Coast Trail). Additional improvements and maintenance measures are needed to stabilize the road and trail in order to maximize access and recreation opportunities.

These barriers to access raise inconsistencies with the Coastal Act, which requires maximum public access. The Commission recognizes the efforts that are already underway to improve the access situation to the Lightstation. The suggested modification builds on current efforts by encouraging the PSLHD to actively pursue alternative access routes and enhancements. The suggested modification does not go as far as to prescribe specific alternatives or enhancements, rather it provides a suite of some options for the PSLHD to pursue, including but not limited to, land dedications, lot line adjustments, and physical improvements to access routes, trails, and connections (see suggested modification 41).

It is also important that new uses proposed for the Lightstation do not interfere with the public's ability to access the site. The proposed LUP amendment expands on the list of allowable uses for the Lightstation to include: a bed-and-breakfast, camping, and special events and programs. It is reasonable to assume that some these new uses will cater to private parties or special groups and may exclude the general public from participation. In order to provide a comprehensive review of the terms of use and to avoid user conflicts at the Lightstation, the suggested modification requires that a coastal development permit be issued for the establishment of new uses, as well as for special events proposed at the Lightstation. This requirement mimics the standards already included in the LCP controlling events in the urban areas of Avila Beach. Most importantly, the suggested modification includes a standard to ensure that such uses and events do not reduce or impair public access opportunities at the Lightstation (see suggested modification 43).

The Coastal Act also requires maximum public access to be consistent with the need to protect natural resource areas. The proposed LUP amendment expands access to the Lightstation by way of water taxis. This form of access would necessitate development of a new pier and possibly a stairway connected to the rocky shoreline, allowing water taxis to take people across San Luis Bay to the Lightstation. While this proposal provides for alternative access to the Lightstation, it also poses



significant adverse impacts to coastal resources such as sensitive marine habitats, water quality, and the scenic viewshed. The Commission's experiences with other projects in this area, like harbor sediment dredging, have shown that the nearshore environment contains sensitive habitats including kelp beds and eelgrass. There is also concern that bringing additional people to the pocket beaches and rocky shoreline of Point San Luis may impact resources from overuse. Moreover, the need to build large structures and stairs on the beach and bluffs to provide vertical access will alter the landform and contribute other resource impacts, such as viewshed degradation. For these reasons, inland access options to the Lightstation should be promoted, encouraged, and evaluated before new water access and development of a new pier is pursued. Modifications are suggested to delete boat access and water taxis from the list of allowable uses at the Lightstation, and instead highlight and encourage efforts to promote and improve public access through the use of existing land-based routes on the Pecho Coast Trail.

## 2. Parking

The issue of maximum public access is also central to the use and operation of the Avila Parking Lot. The Avila Parking Lot is located in the heart of the downtown beach area and is controlled by the PSLHD. The existing LCP requires that 355 parking spaces be provided. Over the years, the PSLHD has established parking fees to help operate and maintain the parking lot, pier, and beach areas. A parking fee of \$5.00 per day is currently charged to visitors. There is concern that increased parking fees can adversely impact the public's ability to access the beach. If parking fees become too expensive, some visitors may not be able to afford to use the public parking lot. This in turn may preclude some members of the public from using the parking lot to access the nearby shoreline.

Any action that has the effect of changing the intensity of use of state water or of access to such waters is "development" under the Coastal Act that requires a coastal development permit. Because a substantial increase in fees for beach parking would result in a change of access to the shoreline, a coastal development permit is required. Similarly, any action changing the availability of public use, such as a reduction in the number of parking spaces in the Avila Parking Lot, requires a coastal development permit. To address this issue, a modification is suggested that requires a coastal development permit be obtained for substantial increases in parking fees overtime, should they be increased beyond current rates. For the purpose of this modification, a substantial increase in parking fees means an increase of 20 percent over existing rates (equal to \$1.00) in any given year, or on a cumulative basis over any five consecutive year period (see suggested modification 45).

General public parking should be also addressed within the Harbor Terrace planning sub-area. As new access opportunities emerge at the Port and more visitors use the improved facilities, the demand for general public parking will increase. The Port Master Plan envisions a low range of 48,000 square feet (approximately 120 additional spaces) and a high range of 66,000 square feet (approximately 165 spaces) of general public parking on the Harbor Terrace. A minimum of 48,000 square feet (the low range) of general public parking spaces is required (see suggested modification 40). This amount includes parking that would be required under the LCP for a harbor meeting room. The suggested modification also requires the general public parking area to be appropriately sited, designed, and graphically depicted in an updated LUP Figure 8-6.



On the Harford Pier, parking for commercial fish offloading and the general public is an important issue. Concerns have been raised that changes to the parking pattern on the Harford Pier overtime have interfered with commercial fishing operations and the ability of users to access the pier. The PSLHD has provided a parking plan that appears adequate to meet the needs of the commercial fishing operations on the pier (see Exhibit E). Two spaces are provided for large trucks (up to 70 feet) and the number of general public parking spaces is maintained. Ample space is provided for the movement of commercial fish offloading equipment, such as forklifts and hoists, and is consistent with fire safety requirements. As discussed in the priority land use summary above, LUP Figure 8-5 will be updated to clearly identify areas designated for commercial fish operations and general public parking. With this modification, a baseline of current conditions will be clearly established in the LUP. Parking for high priority uses can be assured, user conflicts can be avoided, and changes to the current parking situation overtime can be reviewed for Coastal Act consistency through the coastal development permitting process.

#### D. Public Access and Recreation Conclusion

Overall, the LUP amendment provides for substantial public access and recreation opportunities and establishes a wide range of improvements to be developed over time. Nevertheless, there a number of LUP modifications that are necessary for the Commission to be able to find the amendment consistent with the access and recreation policies cited above. If modified a suggested, then the LUP can be found consistent with the public access and recreation provisions of the Coastal Act.

### 4. ESHA and Associated Habitat Resources

#### A. Applicable Policies

Section 30107.5 of the Coastal Act defines environmentally sensitive areas as follows:

**30107.5:** *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The Coastal Act prohibits almost all development within ESHA's, and requires that adjacent development be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

**Section 30240(a).** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

**Section 30240(b).** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



Also, Section 30250, cited previously, requires that development be sited in areas where it would not have significant adverse effects on coastal resources, such as biological resources that do not necessarily meet the definition of ESHA but that do have a significant habitat function and value.

#### B. Applicable Provisions of Proposed LUP Amendment

The proposed LUP amendment includes new Districtwide policies aimed at protecting aquatic and terrestrial habitats. Specifically, new development is not to result in significant impacts to the water quality of San Luis Bay and the sensitive habitats of San Luis Creek (see Districtwide Aquatic And Terrestrial Habitat Policy 1). The LUP amendment requires new development to include landscape plans that use native plants appropriate to the habitat values of the site (see Districtwide Aquatic And Terrestrial Habitat Policy 4). Districtwide Aquatic And Terrestrial Habitat Policy 5 is related to land based resources and requires that new development include measures to protect environmentally sensitive resources in general. For the Harbor Terrace planning sub-area, new development is encouraged to integrate site and building design techniques that are environmentally sensitive and energy conserving (see Harbor Terrace Policy 4).

#### C. Coastal Act Consistency Analysis

The Port includes a variety of sensitive marine and terrestrial habitat resources, including open-ocean and rocky intertidal zones, wetlands, streams, and coastal scrub and oak woodlands. The proposed LUP amendment largely anticipates new uses and expanded development within already developed areas that do not qualify as ESHA. The exception is on the Harbor Terrace, where two areas are considered to be ESHA. The first is the 4.62-acre parcel (APN 76-171-21) located on the northeastern portion of the site. The second is the coastal stream that runs on the western edge of the site and adjacent to Diablo Canyon Road.

There is no question that the habitat values of the Harbor Terrace have been significantly diminished due to the landform alterations and grading activities that occurred prior to the Coastal Act. According to the LUP amendment EIR, no threatened or endangered species are known to occur on the Harbor Terrace, except for birds such as the California Brown pelican or the American peregrine falcon that may occasionally fly over the site.

Under the LUP amendment, the subset of allowable uses established for the Harbor Terrace can mostly be implemented without impacts to coastal resources. As described above, the exception is the 4.62-acre parcel located on the northeastern portion of the site. The parcel is predominantly covered with annual grassland and coastal sage scrub habitat that transitions into oak woodlands at higher elevations. In addition to providing habitat, these areas provide an important scenic backdrop to the site. The parcel is more sensitive from a habitat perspective, which may significantly reduce development potential. In an effort to provide for some level of development while at the same time protecting coastal resources, it is appropriate to limit development to low impact walk-in/bike-in campsites that do not require significant ground disturbance, cut and fill slopes, road grading, and native vegetation removal (see suggested modification 40). To further protect terrestrial habitats, the suggested modification requires new development on the Harbor Terrace to avoid the removal of coastal scrub habitat and native oak



trees. Where avoidance is not feasible, development proposals must include a detailed tree replacement program. However, given the current conditions on the site and the location of native oak trees, it is not expected that native oak trees will be removed. In any event, all landscaping must use native drought tolerant species appropriate to the area. Invasive plant species are prohibited.

A coastal stream runs adjacent to Diablo Canyon Road that supports some riparian habitat. Even though the stream has been degraded, it is considered an ESHA. The unnamed stream is shown as a blue line stream on USGS maps. Aerial photos show that the stream provides drainage for the larger watershed above the Harbor Terrace, emptying onto Fisherman's Beach on the south side of Avila Beach Drive. The northeast bank of the drainage channel slopes steeply up to a series of graded pads. The current LUP requires this area to be maintained as a landscape buffer. For these reasons, the suggested modification calls for riparian habitat restoration and a 50-foot wide vegetative buffer to be established for the coastal stream adjacent to Diablo Canyon Road (see suggested modification 40).

#### D. ESHA and Habitat Resources Conclusion

While most of the Harbor Terrace is devoid of sensitive habitats due to previous grading and landform alterations, there remain two areas that qualify as ESHA and require added protections. To achieve consistency with the Coastal Act, the suggested modifications limit use of the 4.62-acre parcel to low impact walk-in/bike-in camping. Modifications also call for new development to be set back from the onsite stream, coupled with a requirement to restore the riparian area as a vegetative buffer. As an additional means of achieving compliance with the Coastal Act, the suggested modifications require that the site be landscaped with native vegetation and new development must avoid removal coastal sage scrub and oak woodlands. Only with these modifications, can the LUP amendment be found consistent with Coastal Act Section 30240.

## 5. Marine Resources and Water Quality

### A. Applicable Policies

The Coastal Act describes protective policies for the marine environment, including water quality. Coastal Act Sections 30230 and 30231 provide:

**Section 30230.** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

**Section 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

## B. Applicable Provisions of Proposed LUP Amendment

The proposed LUP amendment establishes standards aimed at protecting the marine environment and water quality of San Luis Bay. The LUP amendment requires that new development not result in significant and unavoidable water quality impacts to San Luis Bay and San Luis Creek (see Aquatic and Terrestrial Habitats Policy 1). The LUP amendment includes a clean boating provision that educates and encourages boaters and marine operators to use BMP's (see Aquatic and Terrestrial Habitats Policy 2). Proposed LUP Policy 3 for Aquatic and Terrestrial Habitats requires the implementation of effective runoff controls and pollution prevention strategies through the implementation of BMP's for all new development.

## C. Coastal Act Consistency Analysis

The new standards described above generally address marine resource protection and water quality. In this case, more site-specific measures including detailed performance standards are needed for the LUP amendment to be consistent with the Coastal Act.

The Harbor Terrace site contains steep and potentially unstable soils. The intensification of development and uses allowed under the LUP amendment will increase the amount of impervious surfacing on the steeply sloping hillside, increasing the rate and volume of site runoff. Heightened storm runoff has the potential exacerbate erosion, which in turn can cause sedimentation and increased turbidity within nearshore waters. Sedimentation within drainage courses and turbidity can have a negative impact on the biological productivity and quality of coastal waters and the marine environment.

To address this issue, modifications are recommended that include minimum standards to clarify the overall objective of drainage control on the Harbor Terrace. The minimum standards that have been suggested include a requirement that post-construction BMP's for the control and treatment of storm water runoff be designed to capture, infiltrate, or treat the quantity of water of storm water runoff equivalent to the 85<sup>th</sup> percentile 24-hour runoff event. Suggested modifications also include the following:

- Natural flow channels will be maintained and restored to reduce the intensity of storm water runoff exiting the site.
- Restoring the creek and riparian habitat corridor adjacent to Diablo Canyon Road to provide both flow capacity and natural filtration.
- Filtering all drainage from parking facilities by using vegetated swales and/or oil-water separators to limit contaminated runoff and the intensity of flows from paved parking areas.
- Grading activities are to be scheduled to avoid the rainy season.

For new development directly adjacent to the waters edge, such as parking improvements on the



blufftop overlooks at Nobl Point and Woodyard, contaminated runoff is also an important issue that should be addressed. The suggested modification includes a requirement that parking improvements on the blufftop overlooks include water quality protections measures to filter and/or treat storm runoff (see suggested modification 40).

A new LUP policy is also needed to address aquaculture and mariculture. The proposed LUP amendment supports aquaculture and mariculture use by specifically allowing it in multiple planning sub-areas. During a recent site visit to the Port, Commission staff learned of an aquaculture facility in the Open Water planning area where salmon are being raised in floating pens for future release. Aquaculture and mariculture can adversely impact marine life and coastal water quality through a number of mechanisms including, but not limited to: fish escapes; organic pollution and eutrophication; use of chemicals; space conflicts; physical impacts to the seafloor; anti-predation; and other ecosystem concerns.

To address potential impacts, a new standard is suggested that requires a coastal development permit to be processed for new and continued aquaculture and mariculture use within the Port. Most importantly, the modification establishes a set of marine resource and habitat protection issues that must be addressed with any approval for such facilities (see suggested modification 20).

In addition, aquaculture projects need to be registered with the Department of Fish and Game. Most will need a lease from the DF&G, and the Regional Water Quality Control Board should review aquaculture proposals (though most small projects won't need individual NPDES permits). Many projects will also need a 404 permit from the Army Corps of Engineers, which triggers a requirement for a 401 certificate from the Regional Water Quality Control Board. There also may be coordination with NMFS, USFWS, or DFG if marine mammals and/or special-status species are involved. For these reasons, the suggested modification further requires coordination with other regulatory agencies, like the Department of Fish and Game, prior to approval of aquaculture or mariculture facilities.

#### D. Marine Resources and Water Quality Conclusion

With the recommended modifications to address erosion, polluted runoff, and aquaculture and mariculture facilities, the LUP amendment is consistent with Coastal Act Sections 30230 and 30231.

## 6. Public Viewshed

### A. Applicable Policies

The Coastal Act states:

***Section 30001(b).** The Legislature hereby finds and declares that the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents*





*of the state and nation.*

**Section 30251.** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

In addition to the landform alteration reference in Section 30251, Coastal Act Section 30253 also directs new development to avoid alteration of the natural landform. Section 30253 states, in applicable part:

**Section 30253(2).** *New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30253(5) protects community character. Section 30253(5) states:

**Section 30253(5).** *New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

## B. Applicable Provisions of Proposed LUP Amendment

The proposed LUP amendment establishes general policies aimed at protecting visual and scenic resources. The LUP amendment requires protection of the waterfront character of Port San Luis and aims to preserve surrounding views (see Visual and Scenic Resources Policy 1). The LUP amendment requires that new development on bluffs and scenic hillside areas to protect scenic resources and reduce visual impacts (see Visual and Scenic Resources Policy 2). Properties with historical significance are to be protected (see Visual and Scenic Resources Policy 3). Proposed LUP Policy 4 for Scenic and Visual Resources requires the implementation of visually pleasing design solutions for all new development.

## C. Coastal Act Consistency Analysis

The Coastal Act requires that development be sited and designed to protect views of and along scenic coastal areas, minimize the alteration of natural landforms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas. New development in highly scenic areas is required to be subordinate to the character of its setting. As described in the EIR prepared for the LUP amendment, the project area is located at the base of the Irish Hills, which provide an attractive backdrop to the Avila Beach area as well as panoramic views of the San Luis Bay, Port San Luis, and the Pacific Ocean. The open hillsides give way to the nearly vertical sea cliffs and narrow beaches. The major public vantage points are Avila Beach Drive, distant views



from Highway 101, the beaches, and the piers and open water areas.

Three areas in particular require special attention: (1) Harbor Terrace; (2) Avila Beach Drive overlooks; and (3) Avila Pier and Beach Area. The Lightstation is a historic structure (including associated outbuildings) and a prominent visual feature of the landscape, but is not included because no structural changes or development expansions are proposed in this area.

#### Harbor Terrace

The current visual condition on the Harbor Terrace is somewhat degraded. The site was previously altered (prior to the Coastal Act) in a manner that created a series of relatively flat terraces along the hillside, to an elevation of approximately 180 feet above sea level. Between the terraces, steep cut slopes appear generally devoid of vegetation. The terraced areas are currently used for boat and equipment storage, and approximately 20 mobile homes that were installed prior to the Port's ownership of the site occupy the lower eastern terrace. The previous land form alterations, as well as the current use of the site, most of which is not shielded with landscaping, detract from the scenic quality of the surrounding area.

Nevertheless, the expansion of development potential provided under the proposed LUP amendment poses significant impacts to the scenic quality of the site. In particular, the extent of hotel and motel developments on the upper elevations of the hillside will change the visual character of the site from a predominantly open space area, to a large grouping of structures. In comparison to the marine storage and camping uses currently allowed under the LCP, the expanded uses pose greater visual impacts.

Notwithstanding these concerns, it is recognized that the Harbor Terrace is in close proximity to an existing developed area, rather than a remote area where there is little to no development intruding on scenic open space. It is also important to note that the LCP, as currently certified, acknowledges that the site is an important component to the overall purpose and function of the Port due to its ability to accommodate needed harbor related and visitor-serving facilities. Given these facts, some limited visibility of future development on the site may be appropriate, so long as the impacts are minimized to the greatest extent feasible.

To achieve Coastal Act consistency, the Commission finds that it is necessary to modify the amendment in a manner that incorporates additional performance standards and design parameters that will minimize the visual impact of future development on the Harbor Terrace. The suggested modifications require that future commercial retail establishments be sited on the lower, previously graded portion of the site, and limits structures to two stories with a maximum height of 25 feet. Hotel and motel units are limited to single-story with a maximum height of 15 feet. Use of the 4.62 acre parcel proposed to be added to the Harbor Terrace (APN 76-171-21) is limited to walk-in/bike-in camping, which in turn will prevent unsightly road cuts and grading and will preserve the native vegetation and open space areas that form the scenic backdrop of the upper hillside. Use limitations on the 4.62-acre parcel must also be graphically depicted and noted in an updated LUP Figure 8-6.

Other modifications expand on the proposed landscaping requirements and require restoration of visually degraded areas. All new structural development on the Harbor Terrace must include



appropriate building design, materials, and colors that blend with the natural surroundings. Overall, the suggested modifications ensure that the design of the Harbor Terrace planning sub-area retains the scenic qualities and small-scale character of the area.

#### Avila Beach Drive Overlooks (Nobi Pt. and Woodyard)

Within the Beach and Bluffs planning sub-area, sightseeing from Avila Beach Drive and bluff overlooks is a popular activity. According to the Port Master Plan, this stretch of roadway is virtually the only significant reach of low to moderate-speed public road in this part of the County that offers unobstructed views to the ocean to the motorist at close range. Nobi Point and Woodyard are unimproved scenic overlooks with panoramic ocean views. Oftentimes, however, views at the overlooks are obstructed because of RV parking and camping at these locations. To address this issue, a modification is suggested that prescribes a timing provision for the removal and relocation of these RV sites. The suggested modification requires that RV camping on Nobi Point and on the Woodyard overlooks be limited to no more than 5 years, or until a more appropriate location is established by the PSLHD, whichever occurs first. Extension of the timing provision is allowed for good cause, subject to review and approval by the Executive Director of the Coastal Commission.

#### Avila Pier

Each of the piers within the PSLHD is unique. The Harford Pier is a working pier that supports commercial fishing, recreational boating, and a host of visitor serving uses. Vehicle access is allowed on the pier, and it is often a busy with activity. The Cal Poly Pier is made of steel and was historically used for offshore oil. Now, the Cal Poly Pier is dedicated to marine science and education and provides some access opportunities. The Avila Pier, on the other hand, is virtually undeveloped and provides an open space character in line with strolling, sightseeing, and fishing. The narrow pier stem is undeveloped with only a few small building located at the pier terminus. Maintaining the scenic quality and open character of the Avila Pier is an important consideration.

Even though the proposed LUP amendment lessens the overall square footage of potential future development on the pier from 12,000 square feet to 6,000 square feet, it allows all of the square footage to be in a single structure at the end of the pier, rather than spreading the total square footage out along the length of the pier in multiple smaller structures, as required under the current LUP. Commission staff supports the overall decrease in the total square footage of development allowed on the Avila Pier, but suggests that all new structures be located on the pier terminus, with the restriction that individual buildings not exceed one-story and 2,000 square feet (see suggested modification 44). Separating out each structure will avoid the bulky appearance and large scale massing of new development at the end of the pier. This modification, which puts all future structures at the end of the pier, has the added benefit of preserving the narrow undeveloped pier stem. Cantilevered “wings” on the pier stem that obstructs views will be avoided.

General design guidelines are also added regarding new structures that may be proposed on the Avila Pier, including the requirement that they be single-story with a maximum height of 15 feet, and incorporate appropriate lighting, building materials, and design elements. The suggested modification further requires these changes to be graphically depicted and noted in an updated LUP Figure 8-7 (see



suggested modification 44).

#### D. Public Viewshed Conclusion

Significant visual resource impacts are posed by the new set of uses and by the expanded development potential provided under the proposed LUP amendment. Additional standards required by the suggested modifications above are needed to protect the scenic qualities and character of the area. When applied in conjunction with other land use and habitat protection standards, the LUP amendment, as modified, is consistent with Coastal Act Section 30251.

### 7. Coastal Hazards

#### A. Applicable Policies

Coastal Act Section 30253 addresses the need to ensure long-term stability and structural integrity, minimize risk, and avoid landform-altering devices. Section 30253 provides, in applicable part:

***Section 30253. New development shall:***

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30235 addresses certain hazard response development (such as shoreline protective devices). Section 30235 states:

***Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.***

#### B. Applicable Provisions of Proposed LUP Amendment

The LUP amendment provides a single new policy to address natural hazards. Hazards Policy 1 states:

- 1. Natural Hazards. In areas subject to natural hazards, require new development to be located and designed to limit risks to human life and property to the greatest extent practicable.*

#### C. Coastal Act Consistency Analysis

Port San Luis Harbor is subject to several types of related but distinct geologic hazards including:



ground shaking from earthquakes; seismically induced fault rupture; liquefaction; seismic settlement and compaction; landslides; and tsunamis. The Port is currently protected from the brunt of strong winter swells by the existing 2,400-foot rubblemound breakwater constructed by the U.S. Army Corps of Engineers in 1913. Because the harbor is exposed to winter storm surge and southerly storms, the Port does not provide permanent berthing space in the form of docks and slips. The vast majority of the Port is currently armored with rip-rap shoreline protection, including the beach and bluff areas.

#### New Structures on Harbor Terrace

In terms of potential new structures to be constructed, the LUP amendment does not effectively address the hazard risks associated with development of the Harbor Terrace. On the Harbor Terrace, steep slopes and historical grading activities have resulted in at least five major landslides, and signs of slope failure are evident in a number of other locations on the site. The Commission's staff geologist has reviewed the information contained in the project EIR and believes that additional standards are needed to address landslides and slope stability on the Harbor Terrace.<sup>9</sup>

The suggested modifications require that comprehensive geotechnical studies be performed prior to any new development approved on the site. Moreover, the suggested modifications require that new development designated for human occupation and use (e.g. hotels, motels, tent campsites, RV camp sites, offices, commercial areas) demonstrate slope-stability of 1.5 and pseudo static slope stability of 1.1. The suggested modifications further address the potential for landslides on the site by prohibiting uses on the upper slopes that could saturate the soils and add further slope instability such as drainage detention basins, intensified landscape irrigation, or septic systems.

#### Shoreline Protection as an Allowable Use

Contrary to the Coastal Act, the LUP lists "shoreline protection" as an allowable use in multiple planning sub-areas.<sup>10</sup> Shoreline protection is not a "use" as the term is generally understood in a land use planning context. Shoreline protection would only be allowed after a comprehensive risk assessment and review of alternatives. In addition, shoreline armoring is already present in most of the planning areas listed in the LUP amendment. In each case, the suggested modifications delete shoreline protection as an allowable use.

#### D. Hazards Conclusion

With the recommended modifications to address hazards on the Harbor Terrace, as well as removal of "shoreline protection" as a listed allowable use in multiple planning sub-areas, the Commission finds that the LUP amendment is consistent with Coastal Act Sections 30253 and 30235.

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<sup>9</sup> It should be noted that the existing LCP applies Combining Designation Standards for Geologic Study Areas on the slopes at Harbor Terrace and bluffs along the coastline at this location. These are areas where "geologic and soil conditions could present new developments and their users with potential hazards to life and property." The standards require preparation of a report on geologic hazards and appropriate mitigation measures. Structures must be designed to address these hazards and sedimentation and erosion control plans are required for land-disturbing activities.

<sup>10</sup> "Shoreline armoring" is listed as an allowable use within the following planning sub-areas: Lighthouse; Harford Landing; Beach and Bluffs; and Avila Beach.



## 8. Cultural Resources

### A. Applicable Policies

Coastal Act Section 30244 states:

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

### B. Applicable Provisions of Proposed LUP Amendment

The proposed LUP amendment contains a single new policy related to cultural resources. LUP amendment Archaeology Policy 1 states:

*1. Cultural Resources. Incorporate into decisions implementation measures that conserve cultural and historical resources in development of affected port properties.*

Thus, the LUP amendment requires that protective measures be included in new development projects to conserve cultural and historical resources.

### C. Coastal Act Consistency Analysis

As summarized in the LUP amendment EIR, the study area lies within the historic territory of the Obispeño Chumash. A large Chumash village site is located on the northwest side of San Luis Creek at about 50 feet above sea level and has been recorded as SLO-56. Site SLO-773 covers the entire terrace west of the intersection of Avila Beach Drive and Diablo Canyon Road (near or within the Harbor Terrace planning sub-area) and “contains evidence of a full range of cultural activities associated with a permanent Chumash village including one or more cemeteries.” A number of smaller sites have also been identified within the study area. As described in the EIR:

*Additional surveys have recorded a number of smaller prehistoric sites in the Wild Cherry Canyon, located immediately east of the Harbor Terrace project area and on the terraces just north of the town of Avila Beach. Sites in these areas are much smaller and more specialized than the large sites observed at SLO-56 and SLO-773.*

*An archival records search conducted for the Harbor Terrace site (including an area approximately one-half mile beyond its boundaries) indicated the existence of twelve recorded archaeological sites. Of this total, three sites were recorded near or within the Harbor Terrace site boundaries. These three sites have been previously recorded (from prior area surveys conducted in 1977 and 1991) as SLO-773, SLO-756, and SLO-757. Recent walkover surveys (1996) of the Harbor Terrace site and adjacent areas confirmed the location and mapped the boundaries of these three archaeological sites. No new historic or prehistoric archaeological sites were discovered on or adjacent to the Harbor Terrace site during these most recent on-site walkover surveys.*

As detailed, the Harbor Terrace site contains, or is in close proximity to three recorded archaeological



sites. Site SLO 773, located west of Diablo Canyon Road, contains highly significant cultural materials. According to the EIR, “the site is probably the largest, deepest, and most significant remaining prehistoric site in the Avila Beach/Port San Luis area. The cemetery has also been used in the late 1970’s (and possibly more recently) by Native Americans for reburials and ceremonial interments.”

Accordingly, the proposed LUP policy listed above is not adequate to protect cultural resources consistent with Coastal Act requirements. The single policy provides no detail of how resources will be avoided, nor does it suggest appropriate mitigation measures to be implemented where known cultural resources exist. The standard approach for protecting cultural resources include pre-construction surveys, construction monitoring, followed by identification of mitigation measures if resources are found. More recently, the Commission has required consultation with appropriate Native American representatives to assure the identification of reasonable mitigation measures that will improve cultural resource protection in a way that is more sensitive to the associated Native American communities. This is particularly true where there is potential for the discovery of human remains.

To avoid potential disturbance to this significant cultural resource, the suggested modification prohibit any development on the portion of the Harbor Terrace site west of Diablo Canyon Road, other than restoration of the existing creek and drainage course, and any archaeological preservation and/or protection activities that have been coordinated and approved by the State Historic Preservation Officer and cultural representatives of the Chumash.

The other two known sites are located on the hillside above the Harbor Terrace. According to the EIR, these sites are not expected to extend into the Harbor Terrace site. However, to address the potential for future development of the harbor Terrace site to impact these or other cultural resources, the suggested modifications build upon existing LCP requirements intended to protect such resources. The modifications require an archaeological field survey to be completed prior to commencing any construction, and that the protection for any resources identified by incorporated into proposed site design in coordination with the State Historic Preservation Officer and cultural representatives of the Chumash tribe. The suggested modifications also build upon CZLUO requirements calling for all construction activities to cease if archaeological resources are discovered during construction. In such an event, construction activities may not re-commence until measures for protecting cultural resources have been developed and approved by the Planning Department, Environmental Coordinator, State Historic Preservation Officer, and the appropriate Chumash representative

#### D. Cultural Resource Conclusion

To ensure protection of archaeological resources adjacent to, and potentially within the Harbor Terrace site, suggested modifications prohibit new development, with limited exceptions, in the most archaeological sensitive portion of the site west of Diablo Canyon Road. The modifications also incorporate additional mitigation measures to ensure that any development east of Diablo Canyon Road be appropriately coordinated with the State Historic Preservation Officer and the appropriate Native American representatives. Only with these modifications is the LUP amendment consistent with Section 30244 of the Coastal Act.



## F. California Environmental Quality Act (CEQA)

The Coastal Commission's review process for Local Coastal Programs (and amendments thereto) has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. In this case the County approved an EIR for the new land uses and developments allowed by the LCP amendment. Staff has used this information in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. The measures are embodied in the suggested modifications the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible mitigation measures have not been employed.

