

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863 FAX (831) 427-4877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**W7**

# CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

*For the*

## *October Meeting of the California Coastal Commission*

MEMORANDUM

Date: October 7, 2009

TO: Commissioners and Interested Parties  
FROM: Charles Lester, Central Coast District Deputy Director  
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the October 7, 2009 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

W13, STATEWIDE – Comments on Local Government LCP Workshop of August 12, 2009 – Correspondence received.

***DE MINIMIS WAIVERS***

1. 3-09-039-W UCSC (Big Sur, Monterey County)
2. 3-09-041-W City of Morro Bay (Morro Bay, San Luis Obispo County)
3. 3-09-047-W Stanford University (Pacific Grove, Monterey County)

***IMMATERIAL AMENDMENTS***

1. 3-82-126-A8 Monterey Bay Boatworks Company (Monterey, Monterey County)
2. A-3-MCO-06-018-A1 Mr. & Mrs. Steven Foster (Big Sur, Monterey County)

**TOTAL OF 5 ITEMS**

## DETAIL OF ATTACHED MATERIALS

### REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-09-039-W</b> University Of California Santa Cruz	Rockfall Mitigation Berm Project at Landels-Hill Big Creek Reserve	Landels-Hill Big Creek Reserve, Highway 1, Big Sur (Monterey County)
<b>3-09-041-W</b> City Of Morro Bay	Demolish and remove existing 7400 square foot dock/wharf structure. Includes removal of all trade fixtures by the adjoining property owner and removal of all decking and supporting substructure. The existing pilings are to be cut off below the "mud line" to minimize disturbance of the sediments.	235 Main Street (Tidelands area, lease sites 35W and 36W), Morro Bay (San Luis Obispo County)
<b>3-09-047-W</b> Stanford University	Site lighting upgrades to parking lot and walkway areas at Hopkins Marine Station.	100 - 130 Ocean View Blvd., Pacific Grove (Monterey County)

### REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-82-126-A8</b> Monterey Bay Boatworks Company	Amend CDP to allow an interchange of dive charters with sailing charters not to exceed the original permitted number of four charter boats total.	32 Cannery Row (Monterey Marina), Monterey (Monterey County)
<b>A-3-MCO-06-018-A1</b> Mr. & Mrs. Steven Foster	Amend CDP to allow the installation of a Dx Geothermal System for heating and cooling.	4855 Bixby Creek Road, Big Sur (Monterey County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** October 5, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DCM*  
Katie Morange, Coastal Planner *KM*  
**Subject:** Coastal Development Permit (CDP) Waiver 3-09-039  
Applicant: University of California, Santa Cruz, Attn: John Barnes

**Proposed Development**

Increase the size of an existing 3-4 foot tall, 220-foot long manmade earthen berm by 1 to 5 feet in height and 40 feet in length for rockfall protection, including the removal of two Monterey cypress trees, at the University of California, Santa Cruz Landels-Hill Big Creek Reserve, in the Big Sur area of unincorporated Monterey County.

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed modifications to the existing berm will protect the existing Reserve Director's residence (located at the base of a 500-foot high cliff) from falling rocks and boulders. The berm improvements will be accomplished using existing materials from the base of the adjacent hillside as well as from local Caltrans projects along Highway 1 within 5 miles of the Reserve. The berm will be planted with native plants grown from seed stock collected at the Reserve, and when viewed from Highway 1, will be indistinguishable from the surrounding natural landscape once plant establishment is complete. The project includes measures to ensure protection of nearby Big Creek, including erosion and sediment control measures; protect existing trees during construction; and reduce the visibility of the residence from Highway 1. In sum, the project has been designed to prevent adverse impacts during construction and protect the Big Sur viewshed, and is consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, October 7, 2009, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Katie Morange in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** September 29, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DCM*  
Mike Watson, Coastal Planner *MW*  
**Subject:** Coastal Development Permit (CDP) Waiver 3-09-041-W  
Applicants: City of Morro Bay

**Proposed Development**

Demolition and removal of an existing 8,070 square foot dock/wharf structure south of the Embarcadero and Tidelands Park at 235 Main Street in the City of Morro Bay, San Luis Obispo County. The project involves removal and disposal of all decking and supporting substructure.

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

Demolition and removal of the wharf structure is necessary to avoid complete failure of the derelict structure and the resultant discharge of wharf debris into the bay. The structure was used for off-loading of commercial fishing boats and in conjunction with an oyster mariculture business, which ceased operations in the 1970's. No public access exists on the wharf itself or in locations north and south of the wharf. Thus, demolition and removal of the wharf structure will not have any impact on public access or recreational opportunities at this location. Best management practices are proposed to avoid impacts to the Morro Bay estuary and its inhabitants during demolition. Removal of the creosote-infused pilings and substructure will further benefit water quality and the biological productivity of the bay.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, October 7, 2009, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** September 29, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DC*  
Mike Watson, Coastal Planner *MW*  
**Subject:** Coastal Development Permit (CDP) Waiver 3-09-047-W  
Applicants: Stanford University

**Proposed Development**

New and upgraded parking lot and pathway lighting at Hopkins Marine Station in the City of Pacific Grove, Monterey County.

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The low watt light fixtures will be shielded and directed downward onto the parking lot and pathway areas to illuminate the intended surfaces and avoid spill-over into other locations. All lighting will be on a timer such that the parking lot and pathways will be illuminated during the evening when persons are present and dark otherwise. The lighting upgrade will facilitate additional use of the marine facility during the evening while ensuring safety of students and visitors during that time.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, October 7, 2009, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

**Date:** September 23, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DCarl*  
Mike Watson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-82-126**  
Applicants: Monterey Bay Boatworks Company; Attn: Diane Colwell

**Original CDP Approval**

CDP 3-82-126 was approved by the Coastal Commission on January 13, 1983 and provided for the development of marine haul-out and repair facility, and a 60-boat berth marina at the Coast Guard Breakwater in the City of Monterey, Monterey County. Subsequent amendments provided for construction of a fueling station (3-82-126-A1; October 24, 1984), a boat rental concession (3-82-126-A2; August 13, 1991), and loading and off-loading of dive boat operations at the Breakwater Marina (3-82-126-A4; April 4, 1996) among other things.

**Proposed CDP Amendment**

CDP 3-82-126 would be amended to allow sailing charter boat loading and unloading at the facility in place of an equivalent number of dive boats currently allowed by the existing base permit. In other words, the same number of boats would be allowed to operate here, but there would be allowed to be a mix of charter sailing and dive boats. Such sailing boats would provide sailing charters, sailing lessons, harbor tours, and sailing tours of Monterey Bay and its natural attractions. Sailing charter boats would be allowed to be substituted for dive charters provided that the total number of active charter boats (sailing and dive) operating out of the facility does not exceed four, the maximum number of boat operations currently allowed by the base permit. The Commission's reference number for this proposed amendment is 3-82-126-A8.

**Executive Director's Immateriality Determination**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

Allowing for some sailing charter boats to operate at this location as proposed will expand the range of public recreational opportunities available, and should serve to enhance public access and recreational opportunities consistent with the Commission's original permit approval as amended, as well as consistent with the Coastal Act and the certified City of Monterey Land Use Plan.

**Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection



## **NOTICE OF PROPOSED PERMIT AMENDMENT**

**CDP 3-82-126 (Monterey Bay Boatworks Company)**

**Proposed Amendment 3-82-126-A8**

**Page 2**

and the Executive Director's response to it will be reported to the Commission on Wednesday, October 7, 2009, in San Diego. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

**Date:** September 23, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DCM*  
Katie Morange, Coastal Planner *KM*  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-MCO-06-018**  
Applicant: Steven and Gillian Foster

**Original CDP Approval**

CDP A-3-MCO-06-018 was approved by the Coastal Commission on November 16, 2007, and provided for the construction of a single-family residence and multiple accessory structures at Rocky Creek Ranch in the Big Sur area of Monterey County.

**Proposed CDP Amendment**

CDP A-3-MCO-06-018 would be amended to include small closed-loop geothermal systems (including 100-foot deep boreholes with copper tubing filled with liquid) at the residence and each of the following accessory structures: caretaker's unit, guesthouse, two studios, garden shed, barn, and pool. The geothermal systems will allow for heat transfer to and from the ground to provide efficient, non-fossil fuel energy. The Commission's reference number for this proposed amendment is A-3-MCO-06-018-A1.

**Executive Director's Immateriality Determination**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed geothermal boreholes would be located adjacent to each structure (within the previously-approved development envelope) and do not involve aboveground development once the holes are drilled and the copper tubing is placed in the ground. All associated utility infrastructure would be located inside the previously-approved structures. Borehole drilling and geothermal installation will adhere to best management practices described in the construction plan approved for the original project (pursuant to Special Condition 5). In sum, the proposed amendment is consistent with the Commission's original coastal development permit approval, as well as consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

**Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Wednesday, October 7, 2009, in Oceanside. If three Commissioners object to the Executive Director's determination of



# **NOTICE OF PROPOSED PERMIT AMENDMENT**

**CDP A-3-MCO-06-018 (Foster SFD)**

**Proposed Amendment A-3-MCO-06-018-A1**

**Page 2**

immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please contact Katie Morange in the Central Coast District office.**



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October 6, 2009

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Wednesday, October 7, 2009

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W9c, STC-MAJ-1-09	City of Santa Cruz	Ex Parte	1
W10b, A-3-SLO-09-045	Hearst Holdings Inc.	Ex Parte Correspondence	4 5
W10c, A-3-SLO-09-051	Presbyterian Church	Correspondence	72
W12b, 3-92-063-A2	Abalonetti's Restaurant	Correspondence	102
W12b, 3-05-065-A3	Santa Cruz Port District	Ex Parte Staff Report Addendum	103 105
W12c, A-3-CAP-99-023-A1	Swan & Green Valley Corp.	Ex Parte	109
W13, Statewide.			123

W 9c

WEDNESDAY, ITEM 9C

DISCLOSURE OF EX PARTE COMMUNICATIONS

**Name or description of project:**

City of Santa Cruz LCP Amendment STC-MAJ-1-09 (La Bahia Hotel). Time Extension Public hearing and action on extension of time limit to act on request by the City of Santa Cruz to amend the LCP to apply a new zoning district and site standards for the historic La Bahia building to facilitate redevelopment of the site as a resort hotel with restaurant and conference facilities.

**Date and time of receipt of communication:**

September 24, 2009 at 1:15 pm

**Location of communication:**

La Jolla

**Type of communication:**

In person meeting

**Person(s) in attendance at time of communication:**

Susan McCabe, Jesse Nickell (by telephone)

**Person(s) receiving communication:**

Pat Krue

**Detailed substantive description of the content of communication:**

(Attach a copy of the complete text of any written material received.)

I received a briefing from representatives of Barry Swenson Builders in which they provided background on the proposed La Bahia project and described the local approval process. As described, the existing structure has provided a residential use that will be replaced with a hotel use. They are in agreement with the time extension and look forward to working with staff toward approval of the LCPA.

Date: 9/28/09

Signature of Commissioner:



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**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

W9C  
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Name or description of project, LCP, etc.: City of Santa Cruz LCP Amendment  
STC-MAJ-1-09 (La Bahia Hotel)

Date and time of receipt of communication: 9/28/09, 10:00 am

Location of communication: Board of Supervisor's Chambers,  
Santa Cruz, California

Type of communication: In-person Meeting

Person(s) initiating communication: Susan McCabe  
Jesse Nickell

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

Ms. McCabe and Mr. Nickell, as representatives for Barry Swenson Builders, provided a brief history of the project, said that they agree with the staff recommended time extension, and discussed certain issues:

1. Union Issues: Mr. Nickell said that he had negotiated with the Carpenter's Union and the Union for the Hospitality workers and that no agreement had been reached.
2. LCP Variance: The issues before the Commission will be related to the LCP. The project will need a variance from the LCP because the project exceeds the height limitations and because they will be removing an historic structure.
3. Condo Hotel: The project is approved as a 100% Condo Hotel. The applicant believes that they will need to address this issue further, but did not offer any suggested modification.
4. Affordability: The project is a high end project and they are offering \$200,000 to the Beach Hill Youth Hostel as a mitigation for removing the possibility of affordable hotel space at this site.

Date: 9/28/09 Signature of Commissioner: Mal Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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SEP 30 2009

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**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

Name or description of project, LCP, etc.: Appeal No. A-3-SLO-09-045 (Hearst Holdings, Inc., San Luis Obispo County)

Date and time of receipt of communication: 9/30/09, 1:00 pm

Location of communication: Board of Supervisor's Office, Santa Cruz, California

Type of communication: In-person meeting

Person(s) initiating communication: Sarah Corbin  
Grant Weseman

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

Sarah and Grant were here representing ORCA. They represent a number of environmental organizations. They asked that I consider the staff report.

Date: 9/30/09 Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

W 10b

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item W 10.b.

Appeal No. A-3-SLO-09-045 (Hearst Holdings Inc., San Luis Obispo Co.) Appeal by Commissioners Kruer and Wan, Santa Lucia Chapter of the Sierra Club, and Landwatch San Luis Obispo County of San Luis Obispo County decision granting permit with conditions to Hearst Holdings Inc. for lot line adjustment between 4 existing lots of 0.17 acres, 443.18 acres, 10,180 acres, and 23,200 acres, to result in 4 new lots of 93.6 acres, 1,851.71 acres, 8837.73 acres, and 23,040.4 acres along a 14-mile section of the LCP's North Coast Area beginning approximately 1.5 miles north of San Simeon Village and ending at Ragged Point in San Luis Obispo County. (JB-SC)

Time/Date of communication: Friday, October 2nd, 2009, 9:00 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb, Bruce Reznik, Liva Borak (for Mendocino Sierra Club)

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

Support the staff recommendation to find substantial issue

The Appellants contend that the County-approved project does not adequately protect and provide for public recreational access, coastal agriculture, environmentally sensitive habitat areas (ESHA), and public views consistent with the Coastal Act and the LCP.

Date: October 2, 2009

  
Patrick Kruer

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W10b



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California Coastal Commissioners  
Commissioner Blank  
Commissioner Burke  
Commissioner Kruer  
Commissioner Shallenberger  
Commissioner Sanchez  
Commissioner Stone  
Commissioner Wan  
California Coastal Commission Staff

45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219  
Fax: FAX (415) 904-5400

Fax sent to attention of Vanessa Miller for distribution to commissioners and staff, as individual fax/email not avail. on CCC web site.

October 1, 2009

Dear Commissioners:

We are writing to request a meeting with you in Oceanside, California on Tuesday, October 6<sup>th</sup> any time after 4:00PM until Wednesday, October 7<sup>th</sup> before the Coastal Commission meeting at 9:00AM.

We have an appeal before you, which is on your October 7<sup>th</sup> agenda as:  
10. NEW APPEALS. See AGENDA CATEGORIES.

b. Appeal No. A-3-SLO-09-045 (Hearst Holdings Inc., San Luis Obispo Co.) Appeal by Commissioners Kruer and Wan, Santa Lucia Chapter of the Sierra Club, and Landwatch San Luis Obispo County of San Luis Obispo County decision granting permit with conditions to Hearst Holdings Inc. for lot line adjustment between 4 existing lots of 0.17 acres, 443.18 acres, 10,180 acres, and 23,200 acres, to result in 4 new lots of 93.6 acres, 1,851.71 acres, 8837.73 acres, and 23,040.4 acres along a 14-mile section of the LCP's North Coast Area beginning approximately 1.5 miles north of San Simeon Village and ending at Ragged Point in San Luis Obispo County. (JB-SC)

If you could find time prior to the meeting to discuss our appeal with you individually, we would appreciate the opportunity to clarify our points of appeal and answer any questions you might have. We can meet you at your hotel, pre-dinner, for dinner, after dinner, or breakfast the next morning. If you can meet, please just let me know either by e-mail [awinburn99@yahoo.com](mailto:awinburn99@yahoo.com) or phone 805-927-1194 (My business) or 805-927-5102 (Cynthia Hawley Office) and tell us what time we can meet you and where.

LandWatch San Luis Obispo County has worked hard to protect California's precious coastal zones and to support sound land use legislation and resource protection in San Luis Obispo County. The Coastal Commissioners are an important part of the continued protection of our coastal zones. We continue to be available and committed to supporting these efforts.

Thank you and we look forward to hearing from you to hopefully meet in person.

Respectfully Yours,



Anne Winburn; Secretary, LandWatch San Luis Obispo County  
Cynthia Hawley, President, LandWatch San Luis Obispo County

Cc; R. Hawley, Treasurer, LandWatch SLO County

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SEP 28 2009

CALIFORNIA  
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CENTRAL COAST AREA



LandWatch

San Luis Obispo County

W10b

Post Office Box 174 • Cambria, California 93428

Jonathan Bishop  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

September 23, 2009

Dear Mr. Bishop:

The following comments are submitted by LandWatch San Luis Obispo County on Item 10.b. of the October 7, 2009 agenda Appeal No. A-3-SLO-09-045 Hearst Holdings, Inc. proposed lot line adjustment north of San Simeon Cove in San Luis Obispo County.

***Introduction and background***

According to SLO County staff reports, the purpose of the lot line adjustment is to conform existing parcels to the parcels described within the private Conservation Easement Agreement between Hearst Holdings, Inc. and the American Land Conservancy. As you know, the lot lines and development described and allowed in the private easement have not undergone analysis for consistency with the SLO Local Coastal Program and the Coastal Act. Conformance with the terms of the easement and the development allowed by the easement is monitored privately by the Rangeland Trust.

Note that at page 8 of Exhibit A the website "Hearst Ranch Conservation Project" misinforms the public that the Coastal Act – the legislated policies and statutes that set forth required procedures for approval of development to ensure protection of public coastal resources – are only "guidelines" and makes the following statement regarding development of the Hearst Ranch under the Coastal Act:

**The Hearst Corporation already has the zoning required for major development, and if they were to pursue the standard planning process under their current zoning, their development proposals would likely be approved.**

The "Contact Us" (Exhibit B) page on this site lists Bruce Gibson, Chairman of the SLO Board of Supervisors, as one of two people to contact with comments and questions.

These comments describe the ways in which the Hearst Corporation did not pursue the standard, i.e. legal, planning process and instead introduced privatization of land use planning on a grand scale – planning based on private agreements within its easements and approval by the San Luis Obispo County Board of Supervisors based on

conformance of the proposed LLA with the **easement plans**. By so acting the Board supported and engaged in this privatization of coastal planning and in multiple violations of the Coastal Act and the SLO LCP in an a series of abuses of its discretion. Its discretion as you know is explicitly limited by §21.02.030(d) of the San Luis Obispo County Real Property Division as follows:

The county shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the general plan, local coastal program, and zoning and building ordinances.

**The first and most fundamental violation is the false representation of the lot line adjustments as not being accompanied by and associated with planned development such that the analyses of conformance as described in §21.02.030(d) was entirely evaded.**

County's repeated statements that "no development is currently being proposed on the property" (p. C-3 8), that "development is not a reasonably foreseeable result of the lot line adjustment" (p. C-3 12), and "[T]he proposed project does not involve physical development of the property" (p. C-3 15) are not true. The private easement shows otherwise. (Exhibit C, Pages 5 and 6 of the Deed of Conservation Easement and Agreement Concerning Easement Rights (Old San Simeon Village) between Hearst Holdings, Inc. and the American Land Conservancy)

The private easement calls for proposed parcel 1 to accommodate 93.60 acres of development at San Simeon Cove within which a 39 acre area would be developed into visitor serving uses including retail stores (staff at hearing) 100 room hotel, roads and parking facilities. The remaining 55 acres is an "infrastructure and reconfiguration boundary" for possible reconfiguration of the 39 acre envelope and for infrastructure including "water, electrical distribution, sewage treatment system and distribution pipelines."

In other words, development as defined by the Coastal Act is planned for the whole 94 acre parcel. The "preferred location of buildings" is displayed in the easement's Exhibit C and the "architecture, scale, colors, and massing" for the development described in the Julia Morgan Plans for development are described in the easement's Exhibit D. (see Exhibit D to these comments) These plans have been intentionally withheld from public review. And the County promulgated the fiction that no development is planned and literally analyzed the LLA as having no more effect than lines on paper.

**This is bungling sleight of hand dealing at its worst, a showing of bad faith by the County and the Hearst Corporation, and an indication of the corporate privatization of land use "planning" in store for development of the Hearst Ranch – land that embraces the irreplaceable resources of one of California's most important rural coastlines.**

Significantly, after LandWatch requested that the plans for physical development referred to in the easement be provided and considered in the LLA approval process, County staff refused to produce the plans based on the Hearst Corp's nonsensical pretext that the plans cannot be provided because they are not under one cover but consist of many separate

documents. (Staff report page C-3, 11) The report refers LandWatch to a web site where the easement can be found. However, the requested plans are withheld from that site as well. While the web version of the easement section cited above refers to "attached" plans as Exhibits C and D, the plans are not attached – only pages that say the parties to the easement have copies. (Exhibit D) Thus, the development maps and plans are truly private and withheld from the public for public review of the impacts the planned development will have on coastal resources.

In direct contradiction to statements that no development is currently planned for the site, staff attempted to justify the withheld plans on grounds that the development that is planned would be allowed with the existing lots such that review of the planned physical development would not make any difference in the outcome. Thus, the County admits (multiple times) that the plans exist and that the County Board of Supervisors and staff are familiar with them. Both the County and the Hearst Corporation know the level of public outcry that will occur once plans for development of the spectacular coastal resource of San Simeon Cove and Point are made public.

Refusing to disclose the plans for development and denying that development plans exist are apparently part of the "standard planning process" the Hearst Corporation decided not to pursue. As the facts show, this private process has been one of covering up the facts in a piecemealed, developer-driven attempt to begin development in a void of public review based solely on its compliance with the private easement. This tactic has thus far allowed the County and the developer to evade proper review and analysis of conformance of the whole project with the public policies, standards, and ordinances designed to protect public coastal resources under the Coastal Act and the San Luis Obispo County LCP.

Two other factors are critical about the easement. First, it contains no definite limit to development and, second, a conservation easement is not "in perpetuity". These are critical matters because the existing North Coast Area Plan certified in 1988 currently allows a tourist recreation complex with a 250 room resort lodge, restaurant, cocktail lounge, convention facilities, tourist cottages, golf course, swimming pool, and tennis courts. Commercial retail visitor-serving developments are planned for and allowed on San Simeon Cove (Old San Simeon Village) and on San Simeon Point. (See North Coast Area Plan p. 4-7) An electronic copy of the section of the easement related to development at Old San Simeon Village is attached to this application and entered into the administrative record along with these comments.

While the "Hearst Conservation Easement NOW" web site touts preservation of San Simeon Point by reduction of development within the easement, no definite limit on development is set and a private easement can be changed as shown by the Cambria Community Services District's development of a water tank on land "protected" by a conservation easement.

While these comments focus on the LLA and development planned for the west side of Hwy 1 at San Simeon Cove and Point, it should be kept in mind that no information was provided and no deliberation occurred related to the reasons for, and the impacts of

ballooning parcel 2 out into agricultural land on the east side of Hwy 1. The facts and considerations below are meant to extend by reference as relevant to the proposed LLA development on the east side of Hwy 1.

The letter of the coastal act and the San Luis Obispo LCP must be imposed on any development proposed for the North Coast of SLO County. This diminishing resource of rural coastal California with open vistas, clean water, marine wildlife, and still-living streams would be devastated by the urban development planned for this site alone. Sebastian's store is hardly a "node" of development around which this complete transformation from rural to urban can be justified.

The application must be denied because of the misrepresentations and violations related to the proposed development, and the cumulative development of the Hearst Ranch as it is known and described within its private easement should be subjected to a specific plan as the only way to protect public coastal resources from the cumulative impacts that the whole development will cause.

***Hearst Holdings left out critical required information in its application for the LOA and the County accepted and processed the incomplete application in violation of CZLUO §23.02.022.***

Land Use Ordinance §23.02.022 requires the planning director to determine whether a land use permit application is complete and, when the application is incomplete, to notify the applicant by letter the parts of the application that are incomplete. In violation of §23.02.022 and instead of properly requiring a completed application for processing, the County accepted and processed the incomplete application and in so doing set the stage for evading review and analyses of project elements, existing sensitive resources and impacts of those elements on resources.

The application submitted by the Hearst Corp. (Exhibit E) left a blank after the question "what will the property be used for after division?"

Thus began the fiction that "[T]he proposed project does not involve physical development of the property". (p. C-3 15)

The application submitted by Hearst Holdings failed to provide specific information required by Real Property Division §21.02.030.

Real Property Division Section 21.02.030 requires specific information to be included in an application for a lot line adjustment. This section requires the applicant to locate, identify and draw to scale all existing structures, wells, septic tanks, driveways and other improvements located on the original parcels. None of this data was provided, reviewed or analyzed. The application must also provide the locations, purpose and width of all existing and proposed easements. The purposes of the LLA were not provided.

The project is in a sensitive resource area and the application did not include the information required by Coastal Zone Land Use Ordinance (CZLUO) section 23.07.164 so that impacts to sensitive resources were not analyzed.

Section 23.07.164 of the CZLUO requires the application to include “a description of measures proposed to protect the resource identified by the Land Use Element (Part II) area plan.” Even though the project is in a sensitive resource area, the application proposes no measures to protect sensitive resources. Based on its original false premise, in this void of information and in an abuse of its discretion the Board of Supervisors finds that the project is consistent with sensitive resource protection policies “because it would not facilitate new development.” No analyses supported by evidence in the record were provided to show whether the project is or is not consistent with requirements for protection of sensitive resource areas.

The application submitted contains incorrect information.

In response to the General Application Form requirement to “[D]escribe current uses, existing structures, and other improvements and vegetation on the property” the applicant states the single word “vacant”. The land involved in the proposed lot line adjustments is not vacant. As described in the North Coast Area Plan at page 4-8, the site of Old San Simeon Village has multiple historic buildings including the Sebastian Store and historic buildings associated with the development of Hearst Castle including historic ware houses, a school house, and homes designed by Julia Morgan. The Sebastian Store and the Post Office currently provide services to visitors and local residents.

This failure to describe uses, structures, improvements and vegetation served to preclude discussion and analysis of the project’s consistency with the Local Coastal Program.

***The County Board of Supervisors was not provided with information to analyze whether the whole project as contemplated by the applicant is consistent with the Local Coastal Program and failed to support its findings with evidence in the record.***

Requirements for specific information on a development application are not mere formalities or technicalities. They are mandatory. This information is the foundation for LCP compliance without which coastal resources cannot be protected.

The only way to determine whether the LLA conforms to the LCP and thus the only way to implement the Coastal Act’s protection of coastal resources is to analyze it within the context of the development that is planned for the lots, the existing development, and the resources that will be affected. When this required information is, as it was here, left out of an application, analysis is evaded and the resource is threatened, harmed, or destroyed by the development. The County Board of Supervisors allowed this information to be omitted and abused its discretion by making findings that are not supported by facts and analyses.

Consequently, the project negative declaration at page 9 provides a single paragraph to describe "Mitigation/Conclusion" of impacts to biological resources at the site: "[T]he proposed project would not result in potentially significant biological resource impacts and therefore does not require mitigation."

***The Board of Supervisors violated Coastal Act section 30604 because the Board based its issuance of the coastal development permit for the LLA on conformance with the private easement and not on conformity with the certified LCP.***

In light of the above, it is clear that Board of Supervisors did not base its decision to approve the LLA on conformance with the LCP because it was impossible to do so. It did not have – it excluded – the information by which conformance could be analyzed and that decision could be made.

As described in more detail below, the Board as a body and two of its current members as individuals had previously announced their support of the Hearst Conservation Easement project (Exhibit F) and, after excluding all data and information that might impede realization of the easement project, the Board approved the project based on its conformance with the easement it had already validated – the only basis for approval it had.

Also as described below, the Board also engaged in multiple abuses of its discretion by approving the project in the face of important violations of the Coastal Act and LCP in order to maintain its apparently undivided support of the easement project. Unless the appeals are upheld and the project is denied these violations will translate directly into harms to, and destruction of coastal resources.

***The proposed lot line adjustment is unlawful because it changes the use of agricultural land to commercial and recreational uses in violation of Title 23 Coastal Zone Land Use Ordinance.***

Government Code section 65850 authorizes a city or county to regulate land use by adoption of an ordinance. Changes in land use are a legislative decision and can be made only through an amendment of the zoning ordinance. *City of Sausalito v. County of Marin* (1970) 12 Cal.App. 3d 550, 564. Consistent with state law, Coastal Zone Land Use Ordinance §23.01.030 states that it "shall be unlawful and a violation of this code for any person to establish, construct, alter, replace, operate or maintain any building, structure, use of land or body of water, contrary to or without satisfying all applicable provisions of this title."

Coastal Table O of the Land Use Element Framework for Planning identifies the "allowable uses" of land within each land use category, or zone. Section 23.01.022(1)(B) of the San Luis Obispo County Land Use Ordinance (LUO) includes Table O into the LUO by reference and describes Table O as "[T]he charts showing the uses of land which may be established in the land use categories ... ."

The lot line adjustment changes the use of 9.17 acres of agricultural land to commercial retail and infrastructure uses. The plot of ag land is shown within the nearly 94 acre development envelope on pages 15 and 20 of the July 14, 2009 staff power point presentation. The change in use caused by the LLA was glossed over at that hearing with the statement that the LLA does not change the land use categories which would, staff states correctly, require an amendment of the North Coast Area Plan (NCAP). This is true – but evades the issue.

The issue is not a change of land use category, not a zoning change without an amendment. The issue is the change in use of agricultural land to commercial retail and development infrastructure uses (sewage treatment, water, streetlights, roadways, etc.) without satisfying the applicable provisions of Title 23 in violation of Coastal Zone Land Use Ordinance §23.01.030.

Table O shows that the only recreational uses on nonprime agricultural land are passive recreation, rural recreation and camping and temporary events. Chapter 6 B. Hotels are not allowed on agricultural land. Restaurants are allowed only after application of special requirements set out in LUO §23.08.200.

***The proposed lot line adjustment does not create a better or equal situation with respect to conformance with LCP policies as required by Real Property Ordinance §21.02.030(c).***

Section (c)(1) of Real Property Ordinance §21.02.030 states as follows:

Lot line adjustments are limited to four or fewer parcels. A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform to the county's general plan, specific plan, local coastal program, and zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards relating to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot line adjustment.

As previous Coastal Commission staff reports have made clear, the §21.02.030 test must be applied, analyzed, and met for each coastal resource issue in this Sensitive Resource Area. The test was not applied to any resource issue.

In this case it is impossible to apply the test and to evaluate the impacts the LLA will have on coastal resources because, as described above, the easement's plans for the "preferred location of buildings" the "architecture, scale, colors, and massing" for the development described in the Julia Morgan Plans were intentionally withheld from public review. No review and analyses of the project's impacts to coastal resources were done because the County promulgated the fiction that no development is planned and literally viewed the LLA as having no more effect than lines on paper.

What is known, as described above, is that the use of 9.17 acres of agricultural land directly adjacent to and on both sides of Hwy 1 would be changed by the LLA from agricultural uses to urban development as described by staff and in the easement including a 100 unit hotel, retail shops, restaurants, and supporting infrastructure including a sewage treatment plant. Because plans for the building locations and massing, etc. of the development have been withheld it must be assumed that all locations within the envelope of Parcel 1 are subject to this development including that area designated as agricultural on both sides of the highway.

None of the planned uses – other than restaurants based on special requirements – are allowed on agricultural land. This unlawful change in land use to prohibited uses is not equal to or better than the current use of this agricultural land.

In addition, known ESHA on and adjacent to the site includes, among other things, a lagoon, stream, riparian areas, marine resources, and monarch butterfly habitat. The development of the 93.60 acre proposed lot 1 will have direct impacts to these resources and ongoing indirect impacts to ESHA will include, to name a few, erosion from grading, runoff from dramatic addition of impervious surfaces to the site, air pollution, light pollution – none of which is reviewed or analyzed. No mention is made in the staff analysis of a planned source of water for the development. Impacts to resources related to the LLA were not described or analyzed. At the very least, this stunning coastal view shed would be, unless prevented by the Coastal Commission, eliminated by the development described in the easement.

The County's finding of conformance with §21.02.030 is a hollow conclusion without support of facts or analyses. The §21.02.030 test has not been met because the LLA places the land and resources in a worse position, threatens agricultural land with development and provides less resource protection than the current lot configuration.

***The LLA should be denied because the development planned for the proposed new lots is not allowed by the LCP.***

The County staff report states that the development planned for the Parcel 1 development envelope – the 93.60 acres of development adjacent to both sides of Hwy 1 including hotel, retail shops and restaurants, and associated infrastructure including a sewage treatment plant – is not allowed by the LCP on the site. Where the development planned for Parcel 1 does not conform to the Local Coastal Program, the lot configuration associated with that use does not conform must be denied.

***The County did not analyze whether the project conforms to mandatory standards and failed to impose the standards.***

According to the Planning Area Standards for the North Coast Area Plan, standards are mandatory requirements that must be satisfied for a new land use permit to be approved. Page 7-4. The County Board of Supervisors does not have the authority to decide whether an applicant may or may not comply with any standard. Nor does the Board have the discretion to delegate its authority to any other person or entity. Failure to impose standards is an abuse of the Board's discretion. In an abuse of its discretion, the County Board of Supervisors failed to analyze whether the proposed lot line adjustments

conform to applicable mandatory standards including but not limited to the following and failed to impose the standards.

The LLA violates ESHA Policy 4.

Policy 4 for Environmentally Sensitive Habitats requires that:

No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). These building areas (building envelopes) shall be recorded on the subdivision or parcel map. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

The area involved contains, according to the staff report, significant sensitive biological resources including ESHA. While the area is designated as a Sensitive Resource Area and the staff report applies Policy 4 to the LLA, it concludes without supporting evidence that “the proposed parcels conform to this policy.” The County does not make the finding and defers this buildable areas finding, however, to “future physical development” even though Policy 4 prohibits a lot line adjustment without the finding.

Policy 4 also clarifies that mapped plans for the development that is proposed for newly formed parcels, lots divided into new configurations, are to be included in the analysis of the conformance of the new lots to the LCP.

Planning Area Standard 2 for commercial retail land uses within Chapter 7 of the North Coast Area Plan (page 7-8) states that “Development Plan approval is required for all new or expanded commercial uses.” It is well established that a lot line adjustment is “development”. And as shown above, the creation of parcel 1 expands commercial uses onto over nine acres of agricultural land.

The proposed lot line adjustment is just one element of development of nearly 94 acres of new commercial retail uses and infrastructure. This change represents new and expanded commercial uses and requires a development permit. Standards in the SLO LCP are mandatory, not discretionary so that the applicant must, based on Standard 2, start over with the development permit process.

North Coast Rural Areawide Standard number 5 for North Coast Area Plan (p.7-5) requires that land division applications in areas visible from the public road must identify potential building site envelopes. This is repeated in the Land Division Application Package – which includes lot line adjustments – at page 7 where a visual analyses is required for applications that propose development along significant visual corridors such as Hwy 1.

These building sites shall be in developable locations least visible from the public road. The application submitted by Hearst Holdings did not identify potential building site envelopes, did not include a visual analysis to show conformance with Standard 5. In fact, as mentioned in these comments, the applicant did not even disclose what the property will be used for after the lot line adjustment as required by the permit application.

Areawide standard number 9 is specific to the Hearst Ranch and requires Hearst Ranch development proposals to include provisions for organized services with the most critical identified as water supply, sewage disposal, and solid waste disposal. No provision for these critical services was provided by the applicant or analyzed for conformance and this standard was not applied.

Agriculture standard number 1 is specific to the Hearst Ranch and requires the following.

Any land division proposed in the agricultural portions of Hearst Ranch shall satisfy the following criteria:

- a. The division shall constitute an individually viable agricultural unit, or
- b. The division shall improve the viability of adjacent holdings or serve a necessary public service where it can be demonstrated that the division will not otherwise significantly reduce the agricultural viability.

No information or analyses was provided and no conclusion was reached as to whether the proposed lot line adjustments conform to this mandatory standard and the standard was not applied. Specifically, this standard is not applied to the proposed changed use of agricultural land to commercial retail uses.

Commercial standards discussed on pages 7-8 and 7-9 of the Planning Area Standards for the North Coast Area Plan limit the uses of the area within the proposed lot line adjustment and describe phases within which development is to occur. No information or analyses has been provided to show that the lot line adjustments conform to these use limits and these standards are not applied.

Planning Area Standard 3 for commercial retail land uses requires that specific information must be included in a development plan application for development at Old San Simeon and this information was not included. The project should be denied because it fails to conform to Planning Area Standard 3 for commercial retail uses within Chapter 7 of the North Coast Area Plan (page 7-9) which requires that development plan applications for development at Old San Simeon must indicate, among other things:

- ◆ How the new proposal will be integrated with the total existing development.
- ◆ Identification of historic buildings to be retained or removed.
- ◆ Identification of proposed buildings, pedestrian links and other features.
- ◆ Landscape plans must include screening for all parking areas and new developments visible from Highway 1.

This information was not included in the application and – again – as a result no analysis of the impacts of planned development on coastal resources was provided.

Because they are mandatory, the San Luis Obispo Board of Supervisors does not have the discretion or authority to approve a development that violates these standards. In this case the standards were not even applied to the LLA and analyzed for conformance. Consequently, the findings that the proposed LLA conforms to the general plan and North Coast Area Plan are not supported by evidence in the record. The application must thus be denied and no development including lot line adjustments should be approved without evidence and analyses demonstrating that the proposed development conforms to all standards.

***The County Board of Supervisors did not analyze whether the project conforms to combining designations.***

Page 4-5 of the North Coast Area Plan states that:

*Additional facilities are planned on Hearst Ranch, including both campgrounds and resort lodge centers, but the number of sites are limited to protect coastline resources. All the undeveloped shoreline of the planning area is classified as Sensitive Resource Area in the combining designations to ensure review of all proposed projects. Areas of unique environmental interest should be preserved in their natural state with managed public access and recreation use limited to nature trails with interpretive signs. (Emphasis added)*

Page 1-11 explains that combining designations are areas of hazards, sensitive resource areas, environmentally sensitive habitat areas, historic and archaeologically sensitive areas, and public facilities designated within the North Coast Area.

Page 2 of the negative declaration states that the combining designations that apply to the project area include flood hazard, coastal access, sensitive resource area, geologic study area, historic area, and archaeologically sensitive area.

Even though the Area Plan states explicitly that all of the undeveloped shoreline of the entire planning area is classified as a sensitive resource area combining designation to ensure special review of all proposed projects, no special review was provided. No discussion or analysis was provided to determine whether the area affected by the lot line adjustments is an area of unique environmental interest that should be preserved. No analyses based on evidence in the record was provided to demonstrate whether the proposed lot line adjustment conforms to the combining designation requirements.

San Luis Obispo's North Coast and the San Simeon Cove and Point in particular are known to be of unique environmental interest due to the coastal streams, riparian areas, sensitive marine areas and species, wildlife and monarch butterfly habitat, the striking scenic beauty of the area and the priceless opportunity to enjoy the rural beach environment free of pollutants and urban sprawl. To maintain consistency with this standard the area west of Hwy 1 between San Simeon Beach State Park and Arroyo

Laguna must be preserved in its natural state with managed public access and recreation limited to nature trails and interpretive signs.

Combining designation standard for sensitive resource areas number 9 requires recreational uses to be situated to minimize adverse impacts on marine resources. Whether the lot line adjustments will affect where recreational land uses will be situated and whether the adjustments will result in adverse impacts on marine resources is not discussed and was not taken into account in the County Board of Supervisors' decision to approve the proposed lot line adjustments.

***The North Coast Area Plan is nonfunctional and no valid planning tool exists by which it can be determined whether the proposed LLA would be protective of coastal resources.***

The North Coast Area Plan was written in 1980 and certified by the Coastal Commission in 1988. It contains no current baseline resource data on which findings of consistency with resource protection requirements can be made. This area plan is not a functional planning tool and reliance on it defeats the purpose of the Coastal Act to protect coastal resources. Far reaching changes have occurred during the last 21 years in the North Coast Planning Area in terms of, among other things, population, land use, traffic, water resources, growth of visitor serving commercial facilities, and impacts to biological resources including terrestrial, riparian, and marine habitats and species. The fact that a proposed development conforms to a zoning or land use designation is not enough. The current land use designations reflect resource and environmental conditions of nearly 30 years ago. Proposed projects including lot line adjustments must be found to conform to the policies and requirements for resource protection embodied by the Coastal Act and a functioning Land Use Plan with currently applicable land use designations.

In the case of the antiquated and legally inadequate North Coast Area Plan, no publically reviewed and approved baseline data is available from which applicable policies, standards and combining designations may be developed and from which informed decisions about land use and resource uses may be made. Without up-to-date baseline resource data, the effects of any project on these coastal resources cannot be known let alone analyzed, and existing standards, policies and requirements are rendered useless.

The Courts have held that it is impossible to find a project to be consistent with an outdated and nonfunctioning general plan and the lot line adjustment should thus be denied until the North Coast Area Plan is updated to contain, among other things, current baseline resource and environmental data. A comprehensive update of the Area Plan for the rural North Coast including area-wide planning based on up-to-date data on resources and full environmental review must be in place before any development including any lot line adjustments can be validly and realistically approved.

***Piecemeal, private planning-by-easement, developer-driven amendments to the North Coast Area Plan must be prevented.***

Page C-3, 4 of the July 14, 2009 County Board of Supervisors staff report states that the LCP does not allow the development planned for Parcel 1 as described in the Hearst

Conservation Easement and that approval of the development would require a general plan amendment. Piecemeal approval of the lot line adjustment to accommodate nonconforming development amounts to a tacit approval of the general plan amendment needed to carry out the development associated with the LLA.

The private easement-driven planning process will come full circle and sweep aside the public planning process and the intent of the Coastal Act to protect public coastal resources when the County approves a future LCP amendment to conform the LCP to the development within the already approved LLA. This is made explicit at page C-3 4 of the July 14, 2009 staff report which recommends LLA approval even though the planned 100 room hotel is nonconforming and then informs the applicant that an LCP amendment would need to accompany a coastal development permit for the planned hotel.

And, as pointed out above, since no functioning planning documents exist for the Rural North Coast Area in violation of both the Coastal Act and General Plan law, all land use designations reflect resource and environmental conditions of 1980, when the existing Area Plan was written. No current resource or environmental data exist as baselines from which the impacts of any proposed project can be determined. In this void of data and appropriate land use designations the County of San Luis Obispo leaves it up to the developer on a project by project basis to provide resource and environmental data upon which the County makes its decisions and to generate the zoning amendments to conform the LCP to the development.

***The private planning-by-easement of the whole Hearst Ranch, of which this LLA approval is a single element, should be converted to the public planning process within a specific plan.***

By giving their stamp of approval to the private land use planning by easement in a void of public planning by LCP, the Board of Supervisors has initiated a mechanism for privatization of land use planning. If allowed by the Coastal Commission, this first step to development of the Hearst Ranch will be a tacit but real invitation to an ongoing pattern of abuse of the Coastal Act and LCP protections of public coastal resources and of public participation by which the Hearst Ranch could be developed in serial, developer-driven LCP amendments.

Development of the Hearst Ranch as it is planned in the easements represents major cumulative impacts to all coastal resources along miles of the rural undeveloped North Coast of San Luis Obispo County and the gateway to Big Sur. To protect coastal resources, the distribution, location, type, and intensity of development must be known for the entire ranch development. Piecemeal development would have disastrous impacts to water resources, marine resources affected by runoff and sewage treatment, sensitive habitats such as coastal creeks and riparian areas, and scenic resources to name a few.

Protection of coastal resources requires that water resources, sewage collection and treatment, drainage, traffic circulation, air quality, and sensitive species and habitats will be considered and planned for as a whole for the entire ranch.

Development of the Hearst Ranch should be considered within the format of a specific plan to assure protection of public coastal resources from the cumulative impacts of that development. The easements describe the planned development for the entire ranch and those plans should be presented and analyzed for cumulative impacts.

Zoning and lot line adjustments should not be approved that allow development that is prohibited by the Land Use Element. This application and approval process is an example of the violations, confusion, and consequent resource-threatening land uses that are approved by multiple development-driven Area Plan amendments that result in inconsistencies within the planning documents, unplanned development, and loss of public coastal resources.

***The project should be denied because current County documents show inconsistent land use designations for the affected land.***

While the July 14, 2009 staff report states that parcel 2 contains 17.26 acres designated as commercial retail land use and 197.79 acres of land designated as recreational, Department of Planning and Building land use maps available on the County's web site (Exhibit G) show that three existing parcels involved in the LLA (except for the .17 acre commercial retail parcel 1) are designated as agricultural. In addition, the assessor's parcel map for the proposed parcel 1 shows that the entire area slated for development in existing parcel 2 is under a conservation easement. These discrepancies should be resolved before a permit is issued to change the configuration of the parcels on the site.

***The action taken by the Board of Supervisors to approve the lot line adjustment is in violation of Coastal Act §30006.***

Section 30006 states as follows:

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

**The Board's previous decision to support the Hearst Conservation Easement precluded participation in the decision.**

While the Board provided time on its July 14, 2009 agenda for the public to comment on the proposed lot line adjustment, the public was denied its right to full participation in the decision because the Board had made its decision to approve the LLA already, therefore precluding full participation in the decision itself. Where the purpose of public participation is achievement of sound coastal conservation and development, the very purpose of the coastal act is violated when public participation at the hearing itself is in fact of no consequence because the decision has already been made.

The attached printout from the [hearstranchconservation.org](http://hearstranchconservation.org) web site entitled "Supporters of the Hearst Ranch Project" (Exhibit F) shows that, as a public body, the County Board of Supervisors is listed as a supporter of the project indicating that the Board had decided to support the project prior to the public hearing. Supervisors Katcho Achadjian and Frank Mecham also decided before the hearing to support the project as individuals.

In addition, the Board's current Chairman, Bruce Gibson, plays an active leadership role in the association "Hearst Ranch Conservation NOW" and has authored promotional documents for the Hearst Ranch Conservation Project including a rebuttal to the August 5, 2004 analysis of the Hearst Ranch Conservation Plan by Coastal Commission staff. (Exhibit H) Supervisor Gibson was asked by LandWatch to recuse himself from voting on the issue but refused. This site makes clear the extent of Supervisor Gibson's involvement in the Hearst project. Exhibit I provides Supervisor Gibson's name as one of three individuals to contact about the Hearst Ranch Conservation Project. In addition, the site states that Hearst Ranch Conservation NOW endorsed candidate Gibson for supervisor. (Exhibit J)

As a result of this significant bias – overtly expressed as publically stated support for the project by the Board of Supervisors and individual supervisors – statutory public participation was denied in that vote at the hearing was merely a memorialization of the prior commitments and the hearing was a pretence without actual consequence or effect in coastal conservation and development in violation of §30006.

Closed door consideration of information withheld from the public prevented public understanding of the project and public participation.

The Board made their decision on information that was not provided to the public – that was in fact withheld from public review and analysis. While the Board refused to provide information and maps of the planned development, denied that such planned development existed, and did not discuss the plans for development known to exist within the easement, the Board made its decision based on that information. A number of times in the staff report the statement is made that the planned development is not dependent on the LLA – indicating that the County staff had analyzed the plans.

The courts have made it clear that due process depends on a board or council making its decision on information that is available to the public and the parties involved and that it is a denial of a fair hearing when a decision is made on information that the public does not have the opportunity to controvert. *Clark v. City of Hermosa Beach* ([1996] 48 Cal App. 4<sup>th</sup> 1152), *English v. City of Long Beach* ([1950] 35 Cal. 2d 155) According to the Court, this is a hearing in form only and not in substance. In this case it is also a violation of §30006 and a threat to sound coastal conservation and development because the lack of information precluded public understanding and participation in review of the missing information.

The applicant should be required to start over and a fair hearing should be provided within which the decision is made based on information that is available to the public as well as to the staff and decision making body.

***The County piecemealed approval of the lot line adjustments as if they were unconnected to development and thus failed to consider the cumulative effect of the whole development project.***

It is well established that CEQA requires analysis of the cumulative effects of a project. The Court in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4<sup>th</sup> 713, 740 stated as follows:

CEQA requires an EIR to discuss the cumulative effect on the environment of the subject project in conjunction with other closely related past, present and reasonably foreseeable probable future projects. (Pub. Resources Code, § 21083, subd. (b); State CEQA Guidelines, § 15130, n11 15355.) The term "[c]umulative impacts" refer[s] to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (State CEQA Guidelines, § 15355.) If an identified cumulative impact is not determined to be significant, an EIR is "required to at least briefly state and explain such conclusion." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 432 Cal.Rptr. 247.) The importance of the cumulative effect analysis was explained in *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306 [223 Cal.Rptr. 18]: "The purpose of this requirement is obvious: consideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment."

In this case the County avoided discussion of cumulative impacts altogether and piecemealed the lot line adjustments from the planned development by certifying an unmitigated negative declaration on the finding that the lot line adjustments alone "COULD NOT" (emphasis in original) have a significant effect on the environment.

The County must consider the cumulative effects of the lot line adjustments as a part of the foreseeable development of the area of the lot line adjustments as well as a part of all foreseeable development on the Hearst Ranch in order to avoid overwhelming the North Coast environment including but not limited to coastal, riparian, and marine sensitive resource areas, historical resources, archeological resources, water resources, traffic impacts, and coastal viewsheds. This can only be accomplished by way of a comprehensive update of the North Coast Area Plan which should, under the circumstances, be accompanied by a specific plan for analysis of a comprehensive development plan for the Hearst Ranch.

**Mitigation measures addressing the cumulative impacts of the project have been implicitly deferred.**

Because environmental review of the project has been segmented to the point that the lot line adjustments are being treated as if they were nothing more than lines on paper, a negative declaration was issued on the ground that the project could not possibly have any significant impacts on the environment. This piecemealing has eliminated all analysis of cumulative impacts that would require mitigation and thus has deferred development and approval of appropriate mitigation measures until after the development is approved.

**Findings of impacts in the negative declaration are not supported by evidence in the record.**

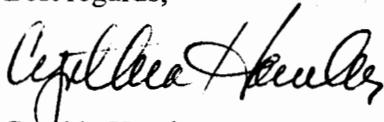
As described above, the discussions and findings within the negative declaration are not supported by evidence in the record. For example, at page 7 the statement is made that the project is consistent with the general level of development anticipated and projected in the Clean Air Plan, but there is no information about what level of development is planned.

In addition, the statement is made that any future development on the project site would require extensive geologic review and necessary mitigation. However, the conclusion is that proposed project would not result in potentially significant impacts and does not require mitigation.

While the negative declaration is based on the fiction that the lot line adjustment is not associated with development, it also discusses and cites vague elements of planned development. LandWatch is concerned that later project specific development proposals will receive limited environmental review based on the findings of no significant impacts within this negative declaration.

Based on the above, LandWatch San Luis Obispo County requests that the Board of Supervisors uphold the appeals submitted and deny the proposed lot line adjustment and coastal development permit.

Best regards,



Cynthia Hawley  
Attorney for LandWatch San Luis Obispo County





--- Protecting a Working Legacy ---

# Conserving the Hearst Ranch



--- A Historic Conservation Opportunity ---

– September 1, 2009 –

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## Questions and Answers Concerning the Hearst Ranch Project



### Overview

People will understandably have many questions about a project as comprehensive as this one. In this section, we have answered a variety of questions in order to help clarify what is known about the project and the public process that leads to its completion.

If you have a question about the project please send us an [e-mail with the question.](#)

### • General Questions

- o I visit Hearst Castle every year. Isn't the land around Hearst Castle already protected or owned by the State of California?
- o How large is the Hearst Ranch?
- o How exactly does the American Land Conservancy propose to protect the land?
- o How does a conservation easement work?
- o How much will it cost?
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- o Who makes the final decision on funding? Will the public be involved?

Contact Us



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- o I hear there are still details to be worked out. How can you support this project when you don't know all the details?
- o Why should I support the Hearst Ranch Conservation Project?

• **Questions about development**

- o How much would this project reduce the potential development of the Ranch?
- o Can't the Coastal Commission use the Coastal Act and the California Environmental Quality Act (CEQA) to stop all development and preserve 100% of the Ranch?
- o Will the public get a chance to review the project before it is funded?
- o Will there be any private resorts, bed and breakfasts, motels etc. West of Highway 1 other than what is proposed at Old San Simeon?
- o Can we negotiate additional conservation for the Ranch at a later time?

• **Questions about Resource Protection**

- o What resources on the Ranch warrant all this money and effort?
- o How will these resources be protected?
- o How will the baseline inventory be determined?
- o Can natural resources and habitat be protected on a ranch where cattle are grazing?

• **Questions Concerning the Property West of Highway 1**

- o Will there be public access west of Highway 1? How about San Simeon Point?
- o How about the California Coastal Trail?
- o Will there be development west of Highway 1?
- o Will grazing still be allowed west of Highway 1?
- o Who will manage the property west of Highway 1?
- o Shouldn't all the open land west of the highway be owned by the state, instead of using a conservation easement? Does it really matter?

• **Questions Concerning the Property East of Highway 1**

- How many home sites will be allowed on the Ranch after the easement is complete?
  - I'm worried that we'll see a bunch of miniature Hearst Castles all over the landscape. Where will they be located? Will the houses be visible from Highway 1? Can the public comment?
  - Does Hearst have a plan for managing the Ranch? Will that include efforts to control invasive species, such as yellow star thistle?
  - Will grazing continue on the Ranch?
  - I have seen sprinklers on the Ranch what are they for?
  - Will there be public access east of Highway 1?
  - Will the exotic animals on the Ranch remain (i.e. Zebras, Butler Deer, and Elk)?
  - Who will hold and monitor the easement on the remaining portion of the Hearst Ranch East of Highway 1?
- **Questions Concerning Old San Simeon (OSSV).**

- What type of development will occur in Old San Simeon?
- Will the public have a chance to comment on any proposed development?
- Why couldn't the Hearsts sneak in the large-scale development they had proposed years ago?
- Will there be any golf courses?
- Would it be possible to buy up these development rights later, before anything is built?

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### General Questions:

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**Q. I visit Hearst Castle every year. Isn't the land around Hearst Castle already protected or owned by the State of California?**

**A.** No. In 1958, The Hearst Corporation donated the castle and some land around it to the State. At the same time they donated land that is now William Randolph Hearst State Beach and the Hearst Castle Visitors Center. This donation of 140 acres total amounted to less than 0.2% of their entire holdings. The spectacular views of the Pacific coastline and the Santa Lucia Mountains that we now enjoy are the result of the Hearst Corp. cattle ranching operation. The ALC

conservation project seeks to permanently protect over 99% of the Ranch, assuring it remains in the open and undeveloped condition that many of us take for granted today.

**Q. How large is the Ranch?**

**A.** Hearst Ranch covers more than 128 square miles or 82,000 acres, stretching 18 miles along the coast from Ragged Point in the north to below San Simeon Acres. On the east it adjoins the Los Padres National Forest, Fort Hunter Liggett, and Lake Nacimiento.

Hearst Ranch is over twice the size of the entire City and County of San Francisco.

**Click Here for:** < [Map Showing the location of the Hearst Ranch](#) >

**Click Here for:** : <[Hearst Ranch Size Comparison Map](#)>, (220KBytes)

**Q. How exactly does the American Land Conservancy propose to protect the land?**

**A.** The ALC is negotiating with the Hearst Corp. to purchase a conservation easement that would limit development and create a management plan to protect natural resources. In addition, certain parcels west of Highway 1 may be purchased by the State of California. ([See the Conservation Framework.](#))

For more about ALC and its mission <[Click Here](#)>.

**Q. How does a conservation easement work?**

**A.** Think of a conservation easement as a set of property rights that a land owner sells (or donates) to a land trust (such as ALC). The easement document spells out activities that are permitted on the land (such as cattle grazing) and those that are prohibited (such as development of a golf course). Some of the permitted activities might have conditions (a management plan for grazing and special siting requirements for houses). The easement holder has the legal right and responsibility to assure that all permitted activities are conducted according to the stated conditions and that no prohibited activities occur. In this project, the conservation easement will specifically allow only 27 new homes to be

built, whereas now over 400 are allowed.

**Q. How much will it cost?**

**A.** On February 3, 2004, the American Land Conservancy has disclosed the price at \$80 million with a \$15 million tax credit. The final amount will be determined by a formal appraisal when negotiations are complete. The reported cost works out to approximately \$1000 per acre. In comparison, the 2800-acre Ahmanson Ranch near Los Angeles was purchased for \$150 million or about \$50,000 per acre. In addition, the Hearst Corporation will make a substantial charitable donation equal to the difference of the appraisal and the disclosed purchase price.

The exact amount and structure of the transaction will be disclosed before public hearings are held to allocate funding. We expect that the deal will include a tax credit given by the state and a substantial donation of property value given by the Hearst Corporation.

**Q. Shouldn't we buy the entire 82,000-acre Hearst Ranch?**

**A.** It would certainly be a lovely piece of property for the public to own. If we look at the ranch realistically, however, a mix of public and private ownership is clearly the best option:

- Complete purchase would be prohibitively expensive. The State spent \$50,000 per acre (\$150 million total) to buy the 2800-acre Ahmanson Ranch. Let's suppose the Hearst Ranch might appraise closer to \$20,000 per acre – that works out to over \$1.6 billion! The ALC's approach should cost less than \$1500 per acre, will accomplish the same conservation goals, and will save the taxpayers hundreds of millions of dollars.
- While some shoreline land will be sold to public agencies, the Hearst Corp. has clearly stated that the balance of the ranch is not for sale. The Hearsts wish to continue their cattle operation over most of the ranch. Leaving the majority of the ranch in private ownership leaves it on the tax rolls, providing much needed funding for local schools and services like fire, police, and roads.
- In those areas where public access is most important, the land will either be owned by a public agency or managed by a non-profit organization so that access is assured.

- The ranch does not have to be purchased to be preserved. The ranch is currently in excellent condition because of over 100 years of careful stewardship by the Hearsts. A conservation easement will formalize those good management practices and ensure that the resources of the ranch are protected forever.

**Q. Who makes the final decision on funding? Will the public be involved?**

**A.** Funding decisions will be made by the boards of the public agencies that administer conservation funding. The State Coastal Conservancy and the Wildlife Conservation Board (part of the Dept. of Fish and Game) have been involved in other recent large projects and will likely be involved with this one. These agencies must disclose the project proposal, hold public hearings, and take public testimony before they allocate funding.

**Q. I hear there are still details to be worked out. How can you support this project when you don't know all the details?**

**A.** We believe the Conservation Framework as published describes an extraordinary conservation project, providing significant development reduction, resource protection and public coastal access. We understand that ALC and Hearst have nearly completed their negotiations on the project details and that those details will be made public before public hearings begin. Given the outstanding reputation of the ALC, we expect that the easement and other provisions of the project will be of the highest quality. We look forward to reviewing the full project and having the opportunity to comment on it.

**Q. Why should I support the Hearst Ranch Conservation Project?**

**A.** Preservation of the Hearst Ranch is today the most important conservation project in all of California. We now have an historic opportunity to protect this jewel of the Central Coast and be done with the bitter arguments over the development of huge resort complexes and their unacceptable impacts. The proposed project provides significant public benefits and modest development opportunities for the Ranch owners.

**Public support is needed right now. Public funding for**

conservation is still available, but the future is uncertain. Public agencies will soon be considering this proposal and they need to know that local residents -- and people from all over California and beyond -- want this project to happen. With the backing of the public, these agencies can get the details worked out soon and arrange for public hearings while funding is still available.

We're confident that a wide range of people and organizations endorse the ALC/Hearst proposal -- we're in contact with more of them every day ([see our supporters list](#)). Please join us and express your support to those who can make this project happen. Here's how:

**To join the effort to preserve the Hearst Ranch**  
[<Click Here>](#)

**To ask questions or make comments**  
[<Click Here>](#)

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## Questions about Development

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**Q. How much would this project reduce the potential development of the Ranch?**

A. The project would reduce development to a small fraction of what is allowed now. The Ranch is actually composed of 271 separate legal parcels, and current zoning plans would allow over 400 homes, at least 375 hotel rooms, and a variety of other ag and visitor-serving structures.

In this project, the maximum number of new owner homes would be limited to 27, with some support structures as necessary. The houses would be sited in building envelopes of about 5 acres each with a 20 acre buffer zone. The visitor-serving development would be limited to the Julia Morgan-styled 100-room inn within Old San Simeon Village. The other historic buildings there might also be modified as part of that project.

**For more detailed information on development reductions**  
[<Click Here>](#)

**Q. Can't the Coastal Commission use the Coastal Act and the California Environmental Quality Act (CEQA) to**

**stop all development and preserve 100% of the Ranch?****A. No.**

- The California Coastal Act only sets guidelines for development along the coast. These guidelines cover location, public access, resource protection, and environmental impacts such as traffic and noise.
- Since these are only guidelines, they are subject to interpretation by a variety of boards and individuals, most importantly the SLO County Board of Supervisors and Planning Commission, the Coastal Commission, and the staff members of those bodies. Depending on the decisions of these officials and individuals, the outcome of a particular development project can vary greatly.
- The California Environmental Quality Act (CEQA) describes the legal process for assessing the environmental impacts of a project, and how those impacts should be mitigated. The provisions of CEQA may require changes be made in proposed projects, but cannot simply stop all development.
- The Hearst Corporation already has the zoning required for major development, and if they were to pursue the standard planning process under their current zoning, their development proposals would likely be approved.
- There are many examples where shifts in political power can greatly influence development. Aggressive attempts to use CEQA and the Coastal Act may stall some development for a short time, but are not a reliable strategy for long term conservation. We believe it's far better to settle the Hearst Ranch conservation issues now, using the proven techniques of conservation easements and public fee purchases.

**Q. Will the public get a chance to review the project before it is funded?**

**A. Yes,** as with all publicly funded projects a public hearing is held prior to funding. The public can make comments on a staff report, or comments in general about the project itself. A press release by the California Resources Agency on June 5, 2003 confirms this. This is the same process that was used when the City of San Luis Obispo acquired a portion of Bishop Peak many years ago.

**Q. Will there be any private resorts, bed and breakfasts, motels etc. West of Highway 1 other than what is proposed at Old San Simeon?**

**A.** No. The only development west of Highway 1 will be at Old San Simeon Village. A conservation easement placed on the property held on West Side of Highway 1 will preclude any additional development.

**For more detailed information on development reductions**  
**[<Click Here>](#)**

**Q. Can we negotiate additional conservation for the Ranch at a later time?**

**A.** Yes, in cooperation with a willing land owner, a land trust could negotiate to add or modify an easement so that certain uses or development rights are further restricted. This approach was used recently in San Luis Obispo on the Guidetti Ranch. The City of SLO first acquired a conservation easement on the ranch reducing development and controlling the agricultural operations. Later, The Nature Conservancy (TNC) purchased the remaining development rights, preserving the ranch in its entirety.

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## **Questions about Resource Protection**

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**Q. What resources on the Ranch warrant all this money and effort?**

**A.** The **128 largely undeveloped square miles** (82,000 acres) of the Hearst Ranch are a fundamentally important scenic landscape on the Central Coast. By its size, the ranch also provides crucial uninterrupted habitat for wildlife such as mountain lions, black bears, and condors. In addition, there are few ranches this size where the natural resources have such variety and quality -- Hearst Ranch is home to unique plants such as the Santa Lucia fir, the Hearst manzanita, and the Hearst ceonothus. On top of all these scenic and natural resources, consider the 18 miles of nearly undeveloped coastline at the southern gateway to Big Sur, which would be opened to public access.

As the population of California grows toward 50 million, these resources could be damaged by development that grows

more lucrative every day. Today we have an historic opportunity to protect this remarkable land.

**Q. How will these resources be protected?**

**A.** The location and condition of important resources will be specifically identified and recorded in a document called the Baseline Inventory (BI). Conservation easements are then written to prohibit activities that would damage those resources. The easement holder is required to conduct regular monitoring (at least yearly) to confirm that the resources have not been damaged. The easement provides legal means for the easement holder to force the land owner to correct problems or cease damaging activities.

**Q. How will the baseline inventory be determined?**

**A.** The ALC and Hearst will use consultants to prepare the Baseline Inventory. We expect the inventory to be reviewed by the state before the project is funded.

**Q. Can natural resources and habitat be protected on a ranch where cattle are grazing?**

**A.** Yes. Modern range management has shown that carefully controlled grazing can enhance the health of grasslands. For instance, proper levels and timing of grazing improves habitat for wildlife such as rodents and they in turn support larger species such as hawks and owls. Other important habitats in remote parts of the ranch are inaccessible to cattle.

*"I have stressed that the Holistic Management® Grazing Planning procedure underpins all my work in grazing situations and all my claims for success. This procedure offers the simplest way we have found for managing the complexity of any ranch, farm, water catchment, forest, or any other area shared by livestock and other users. It will lead to the best possible plan in the most difficult and seemingly hopeless situations. Even when the rains have failed to come at all, and even through times of crisis, including war, this planning procedure has never failed me. Nor do I believe it will ever fail you."--Allan Savory*

**Some sources for resources for balanced ranching are:**

The Land Trust Alliance publication Working Ranchland Conservation Easements, designed to give land trusts and land conservationists sound ideas to incorporate into their efforts to protect ranchlands from inappropriate development.

The Savory Center an international not-for-profit organization established in 1984 to coordinate the development of Holistic Management worldwide. Holistic Management has helped people all over the world more effectively manage all their resources in a truly sustainable way.

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## Questions Concerning the Property West of Highway 1

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**Q. Will there be public access West of Highway 1? How about San Simeon Point?**

A. Yes, easements on the land west of the highway will ensure public access to this 18-mile stretch of coast. How much land will be publicly owned, and how much retained by the Hearsts is still under negotiation. The public will have access to San Simeon Point.

**Q. How about the California Coastal Trail?**

A. A corridor for the California Coastal Trail will be provided over all parcels west of the highway. We expect the exact location will be determined in a management plan so that important resources can be protected. Any actual trail construction will require a public permitting process with public hearings and environmental review.

**Q. Will there be development West of Highway 1?**

A. The only development west of Highway 1 will be in Old San Simeon Village, where a 100-room, Julia Morgan-styled inn has been proposed. Existing historic buildings there might also be modified as part of that project. The conservation easement covering the land west of Highway 1 will prohibit any additional development, including a golf course.

**For more detailed information on development reductions**

**<Click Here>**

**Q. Will grazing still be allowed west of Highway 1?**

**A.** This issue is still undecided. If allowed, we expect it would be permitted only under the provisions of a detailed management plan, so that natural resources are not damaged.

**Q. Who will manage the property west of Highway 1?**

**A.** Most likely, there will be joint management responsibilities involving the easement holder (a non-profit land trust) and the land owners (public agencies and the Hearst Corp.). Allowable activities will be defined by the conservation easement and the management plan.

**Q. Shouldn't all the open land west of the highway be owned by the state, instead of using a conservation easement? Does it really matter?**

**A.** We understand the intent of the conservation easement being negotiated on the west side land is to allow public access and prevent development, in perpetuity. The easement embodies the conservation vision of the Hearst family, the ALC, and the public, and will protect that vision, no matter what entity (public or private) owns the underlying fee title to the land. This approach has been applied to the Estero Bluffs Property north of Cayucos, where the State Parks system owns the land and the Cayucos Land Conservancy holds a conservation easement.

This split arrangement (easement and fee separately held) is actually the strongest mechanism to prevent development. Without such a restriction, any land owned by the State could conceivably be developed (for instance, if it might provide income in tough economic times). Indeed, public agencies have sold "surplus" lands that they own in fee. There is no guarantee against judicial condemnation, but then in a world without guarantees, the conservation easement is the single strongest tool available to ensure the removal of development rights forever.

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## **Questions Concerning the Property East of Highway 1**

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**Q. How many homes will be allowed on the Ranch after the easement is complete?**

**A.** The maximum number of new owner homes is limited to

27 with some support structures, as necessary. The building envelope for each home will be about 5 acres in size with a 20 acre buffer zone, or in total about 0.2% of the Ranch. Note that these 27 homes will be placed on a ranch that is more the twice the size of the City of San Francisco.

**For more detailed information on development reductions**  
**[<Click Here>](#)**

**Q. I'm worried that we'll see a bunch of miniature Hearst Castles all over the landscape. Where will they be located? Will the houses be visible from Highway 1? Can the public comment?**

**A.** Every effort is being made to cluster the home sites in order to minimize impacts on wildlife habitat and minimize the construction of new roads. All homes will be sited to meet strict criteria that protect the viewshed of Highway 1 and Hearst Castle. Not only will each home satisfy all easement restrictions, it will need to follow the full development application and public review process required by San Luis Obispo County and the Coastal Act.

**Q. Does Hearst have a plan for managing the Ranch? Will that include efforts to control invasive species, such as yellow star thistle?**

**A.** The Hearst Corp. has retained a range management consultant. During the past two years, he and others have mapped most of the resources of the Ranch, including ecosystems, creeks and water sources, wildlife, soil types, critical habitat, important plant communities, and the location of invasive species. This information along with the Baseline Inventory performed by ALC, the State of California, and Hearst will be used to complete a comprehensive report on the Ranch. This information will be the basis for a formal Management Plan under the conservation easement.

Hearsts are currently working to control invasive species on the Ranch. For instance, they currently limit their road grading to prevent the spread of yellow star thistle.

**Q. Will grazing continue on the Ranch?**

**A.** Yes. The Hearst grazing operation will continue under the Management Plan to be developed with American Land Conservancy and the California Rangeland Trust

**Q. I have seen sprinklers on the Ranch what are they**

**for?**

**A.** The sprinklers were installed to irrigate several permanent pastures that will provide feed for different breeds of cattle. Hearst has buried the irrigation pipes to preserve views of the Ranch from Highway 1.

**Q. Will there be public access East of Highway 1?**

**A.** At present, there will not be open public access to the working cattle ranch east of Highway 1. In the future, there may be opportunities for organized groups to explore that part of the Ranch with the permission of the Hearst Ranch Manager.

**Q. Will the exotic animals on the Ranch remain (i.e. Zebras, Butler Deer, and Elk)?**

**A.** Most likely yes, as they are an historical feature of the Ranch.

**Q. Who will hold and monitor the easement on remaining portion of the Hearst Ranch east of Highway 1?**

**A.** The California Rangeland Trust will hold the easement on the east side of Highway and and continue to monitor it each year. A report on the monitoring activities will be presented to the Wildlife Conservation Board. A summary of this report will be made available to the general public for review.

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## **Questions Concerning Old San Simeon (OSSV)**

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**Q. What Type of Development will occur in Old San Simeon?**

**A.** The framework proposes a Julia Morgan-styled 100-room inn. Other historic buildings in the Village may also be modified to enhance the visitor's experience

**For more detailed information on development  
reductions  
<[Click Here](#)>**

**Q. Will the public have a chance to comment on any proposed development?**

**A. Yes.** The project at Old San Simeon Village will need to follow the full development application and review process as required by San Luis Obispo County and the Coastal Act. This will include a complete development and environmental review, which should address water availability, traffic, public access, air pollution, lighting, scenic impact, resource protection and much more. This process allows agencies, organizations, and individuals to analyze and comment on the project in detail.

**Q. Why couldn't the Hearsts sneak in the large-scale development they had proposed years ago?**

A. The conservation easement will spell out exactly what is allowed in Old San Simeon Village. A less intensive development may occur as long as it does not violate the conservation easement agreement.

**Q. Will there be any golf courses?**

A. No. The conservation easement will prohibit such uses.

**Q. Would it be possible to buy up these development rights later, before anything is built?**

A. Yes. Further negotiations are always possible if the land owner is interested.

This happened in San Luis Obispo on the Guidetti Ranch. The City of SLO first put a conservation easement on the ranch restricting development and controlling the agricultural operations. Later, the Nature Conservancy (TNC) purchased the remaining development rights preserving the ranch in its entirety.

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We urge you to gather information from this web site and other sources and decide for yourself whether preserving this extraordinary piece of California is important. If you decide it is, please join our effort to support this project and preserve the Hearst Ranch. If you have questions we will try to answer them if we can.

**To join the effort to preserve the Hearst Ranch  
<[Click Here](#)>**

**To ask questions or make comments  
<[Click Here](#)>**



--- Protecting a Working Legacy ---

## Conserving the Hearst Ranch



--- A Historic Conservation Opportunity ---

-- September 3, 2009 --

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# Contact Us



The **Supporters of the Hearst Ranch Conservation Project** invite your comments, questions and support. If you have any questions we will try to answer if we can.

Sincerely,

Supporters of the Hearst Ranch Conservation Project

To make a comment or ask a question click on the links below.

- **E-mail:**  
[Gary Felsman](#)  
Arroyo Grande, CA
- **E-mail:**  
[Bruce Gibson](#)  
Cayucos, CA



Hearst Ranch southern end from Visitor Center



4. **No Dedication of Public Access.** Nothing contained in this Conservation Easement shall be deemed to be a dedication of any portion of the OSSV Easement Area for use by the general public.

5. **Buildings, Facilities and Other Structures.** The installation, construction, reconstruction, replacement, operation or maintenance of any building, facility or structure of any type is prohibited throughout the OSSV Easement Area except as such is permitted in accordance with the provisions of this Section 5. No installation, construction, reconstruction, replacement, operation or maintenance of any building, facility or structure of any type shall be allowed to impair Conservation Values; *provided*, that the development of the OSSV Project, or any integral element thereof, shall not be deemed to impair Conservation Values.

(a) **Existing Structures.** Grantor may repair and replace, at its existing location, with a like structure of like size, any structure, whether residential or non-residential, the use of which is authorized by Section 3, existing in the OSSV Easement Area on the Effective Date ("Existing Structure") without prior approval from Grantee.

(b) **Incidental Ranch Facilities.** "Incidental Ranch Facilities" means fences, squeezes, loading chutes, holding fields, corrals, utilities (including gas, electrical and telecommunications), sewage disposal facilities and systems, and water distribution and irrigation facilities within the OSSV Easement Area supporting uses of or activities on the OSSV Easement Area authorized by this Conservation Easement. Grantor may repair and replace, with like facilities at their existing locations, and remove Incidental Ranch Facilities existing within the OSSV Easement Area on the Effective Date without prior approval from Grantee. Grantor may install, construct, repair and replace Incidental Ranch Facilities not existing on the Effective Date within the OSSV Easement Area, without prior approval from Grantee; *provided*, that any such repair, replacement or construction of new Incidental Ranch Facilities is reasonably related to the permitted uses and activities in the OSSV Easement Area and does not impair Conservation Values.

(c) **Temporary Structures.** Grantor may use temporary structures for "Temporary Events," as defined in the Applicable Rules, within the OSSV Easement Area.

(d) **Old San Simeon Village Historic Conservation Project.** Grantor may reuse existing structures, construct new structures of historically compatible design for visitor serving uses, including guest accommodations of no more than 100 new units, and construct roads and parking facilities in the 39-acre development envelope shown on "Exhibit C" incorporated herein by this reference; *provided*, Grantor may reconfigure boundaries for the OSSV Project to meet requirements by local, state or federal agencies during the entitlement process, so long as the envelope remains no more than 39 acres and does not extend outside the limits of the Infrastructure and Reconfiguration Boundary shown on "Exhibit C"; *provided, further*, that the location for

all buildings for the OSSV Project shall be within the "Preferred Location of Buildings" shown on "Exhibit C", unless required otherwise by a local, state or federal agency or other reasonable commercial constraints as determined during the entitlement process, and Grantor agrees to use best efforts to limit the location of such buildings to such area. Support utility infrastructure (including water, electrical distribution, sewage treatment system, and distribution pipelines) for the OSSV Project ("Support Utility Infrastructure") can be located in the 39-acre development area. Support Utility Infrastructure can also be located within the Infrastructure and Reconfiguration Boundary so long as it does not impair Conservation Values. The architecture, scale, colors, and massing for any new development for the OSSV Project shall be consistent with the Julia Morgan Plans for such development, as shown in "Exhibit D."

(e) **Public Access Facilities.** Grantor may construct, or authorize the construction of, segments of the California Coastal Trail and other public access facilities; *provided*, that no such facilities shall be allowed to impair Conservation Values; *provided, further*, that public access facilities developed in accordance with that certain Deed of Public Access Conservation Easement and Agreement Concerning Access Rights (the "Public Access Easement") granted concurrently herewith by HEARST HOLDINGS, INC., in favor of the DEPARTMENT OF PARKS AND RECREATION, STATE OF CALIFORNIA, and recorded as Document No. 2005013399 in the Official Records of San Luis Obispo County, California, shall not be deemed to impair Conservation Values.

(f) **Signs.** Directional signage, signs denoting allowable business uses within the OSSV Easement Area, signs describing other Grantor permitted activities within the OSSV Easement Area and signs used to control unauthorized entry or use of the OSSV Easement Area are permitted. Grantee may install and maintain, at Grantee's sole cost and expense, signage within the OSSV Easement Area to indicate the participation of Grantee, Grantor, the California Rangeland Trust and of any of Grantee's public or private funding sources in the Ranch conservation transactions described in Recital B of this Conservation Easement; *provided*, that the size, location, number, text and design of any such sign shall be subject to the reasonable approval of Grantor; *provided further*, that Grantor agrees that the standard logo of Grantee, the California Rangeland Trust and each agency of the State of California that has provided funding for Grantee's acquisition of the Conservation Easement, can be included on any such sign.

6. **Subdivision.** Grantor shall not separately sell, transfer or subdivide any portion of the OSSV Easement Area, including existing parcels for which certificates of compliance have been issued, separate from the balance of the OSSV Easement Area. Grantor retains the right to seek approvals for a subdivision or lot line adjustment to create the OSSV Easement Area as a single legal and saleable parcel.

7. **Development Rights.** Grantor hereby grants to Grantee all development rights, except retained development rights reserved to Grantor herein, that are now or hereafter allocated to, implied, reserved or inherent in the OSSV Easement Area, and



**Exhibit C to  
Deed of Conservation Easement  
And Agreement Concerning Easement Rights  
(Old San Simeon Village)**

**OSSV EASEMENT AREA MAP**

**[EACH OF GRANTOR AND GRANTEE HAS A COPY OF THE MAP ENTITLED  
"OSSV Easement Area Map" DATED 7-8-04]**

C-1

23.099-224533v7WRD-2/10/05



**Exhibit D to  
Deed of Conservation Easement  
And Agreement Concerning Easement Rights  
(Old San Simeon Village)**

**JULIA MORGAN PLANS**

**[EACH OF GRANTOR AND GRANTEE HAS COPIES OF THE MAPS ENTITLED  
"Julia Morgan Plans" Sheets 1 through 3 (Map Nos. 237 through 239  
DATED 7-9-04]**

D-1

23.099-224533v7WRD-2/10/05

**END OF DOCUMENT**

Exhibit E

# GENERAL APPLICATION FORM

SRV TH WET and Building File No \_\_\_\_\_  
SUB2007-00161 COAL07-0070 HEARST HOLDING

Lot Line Adjustment

LOT LINE ADJUSTMENT - FOUR PARCELS

NC/ RNC

AG AS CA CAZ COJ CR  
FH GS H LCP REC SRA

AMS

ite of Compliance  
ig Site  
andonment  
deration

Lot Line Adjustment  
 Sending Site  
 Road Name

## APPLICANT INFORMATION *Check box for contact person assigned to this project*

Landowner Name Hearst Holdings Daytime Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Zip \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicant Name Hearst Holdings c/o Marty Cepkauskas Daytime Phone 1-415-777-8196

Mailing Address 5 Third St., #200, San Francisco, CA Zip 94103

Email Address \_\_\_\_\_

Agent Name RRM Design Group Daytime Phone 805-543-1794

Mailing Address 3765 So. Higuera St., #102, SLO, CA Zip 93401

Email Address: tppayne@rrmdesign.com

## PROPERTY INFORMATION

Total Size of Site: \_\_\_\_\_ Assessor Parcel Number(s): See attached Exhibit A

Legal Description: See attached Exhibit B

Address of the project (if known): \_\_\_\_\_

Directions to the site - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: State Highway 1 at San Simeon Road

Describe current uses, existing structures, and other improvements and vegetation on the property:  
Vacant

## PROPOSED PROJECT

Describe the proposed project (inc. size of all proposed parcels): Request for a Lot Line

Adjustment on four existing legal certificated parcels to bring these parcels into conformity with parcel boundaries allowed under Hearst Ranch Conservation Project.

## LEGAL DECLARATION

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature Step T Hearst Date 12/12/07

## FOR STAFF USE ONLY

Minimum Parcel Size: \_\_\_\_\_  sq. feet  acres  by PAS?  by Ordinance?

# LAND DIVISION APPLICATION

San Luis Obispo County Department of Planning and Building

File No \_\_\_\_\_

**Project Information:** What is the proposed density or parcel size?: See attached Exhibit A  
Number of existing lots, parcels or certificates: 4 Existing parcel sizes: See attached Exhibit A  
What will the property be used for after division: \_\_\_\_\_

Is the property part of a previous subdivision that you filed?:  Yes  No

If Yes, what was the map number:  Tract No: \_\_\_\_\_  CO \_\_\_\_\_  COAL \_\_\_\_\_

Have you reviewed county records to determine if the subject property has ever been the subject of a recorded certificate of compliance or a recorded map?  Yes  No

Building permits or other approval?:  Yes  No

If Yes to either question, please provide copies of all applicable materials. Enclosed

COC-2001-098847, 098851, 098848 & COC 2002-066311

**Off-Site Improvements:** Will off-site road or drainage improvements be required?  Yes  No

**Surrounding parcel ownership:** Do you own adjacent property?  Yes  No

If yes, what is the acreage of all property you own that surrounds the project site?: \_\_\_\_\_

**Describe existing and future access** to the proposed project site: Consistent with existing State Highway 1 and San Simeon Road.

**Surrounding land use:** What are the uses of the land surrounding your property (when applicable, please specify all agricultural uses):

North: Grazing

South: Grazing

East: Grazing

West: Grazing, ocean & state park.

N/A **Proposed water source:**  On-site well  Shared well  Other \_\_\_\_\_  
 Community System - List the agency or company responsible for provision: \_\_\_\_\_  
Do you have a valid will-serve letter?  Yes If yes, please submit copy  No

N/A **Proposed sewage disposal:**  Individual on-site system  Other \_\_\_\_\_  
 Community System - List the agency or company responsible for sewage disposal: \_\_\_\_\_  
Do you have a valid will-serve letter?  Yes If yes, please submit copy  No

**Fire Agency:** - List the agency responsible for fire protection: CDF

**List available or proposed utilities:**  Gas  Telephone  Electricity  Cable TV

**Adjustments:** Are you requesting any adjustments?  Yes  No If Yes, please complete:

Parcel & site design (21.03.010(c))  Access & circulation design (21.03.010(d))

Flood hazard & drainage (21.03.010(e))  Water supply (21.03.010(f))

Sewage Disposal (21.03.010(g))  Public Utilities (21.03.010(h))

Road Exception (21.03.010(d))

Briefly describe the reasons for the request: Request for a Lot Line Adjustment on four existing legal certificated parcels to bring these parcels into conformity with parcel boundaries allowed under Hearst Ranch

Conservation Project.





-- September 1, 2009 --

--- Protecting a Working Legacy ---

# Conserving the Hearst Ranch



--- A Historic Conservation Opportunity ---

Home

Welcome to this Site

Hearst Framework

Hearst Ranch Facts

Development Reduction

Conservation Values

Cost Determination Public Process

Photo Gallery

Press Coverage

Friends and Supporters

Questions and Answers

More Information

What can I do?

Links

## Supporters of the Hearst Ranch Project



The organizations, agencies and individuals listed here have all expressed support for the Conservation Framework developed by ALC and Hearst. These groups believe that conservation of Hearst Ranch is vitally important to San Luis Obispo County and the entire state of California. We encourage the public agencies considering this project to allocate funds for it and work with Hearst and the ALC to secure the provisions required in all publicly-funded conservation deals.

Given the current changes in our state government and recent monies expended for large conservation projects in southern California, we believe it's important to strongly express our support. We invite you to join this conservation effort and urge our elected officials and state agencies to make this proposal a reality.

---

Below is a partial list of agencies, organizations, businesses and individuals supporting the project.

---

### Organizations Supporting the Project

Contact Us



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WWW This Site

- American Land Conservancy
- Audubon Society (Morro Coast Chapter)
- Bay Foundation of Morro Bay
- Cambria Land Conservancy
- Cayucos Beautiful
- Cayucos Land Conservancy
- **Citizens for a Vehicle Free Nipomo Dunes**
- **Friends of Black Lake Canyon**
- Friends of the Elephant Seal
- Friends of Hearst Castle
- **Friends of Nipomo Park**
- **Friends of Point Sal**
- **Guadalupe-Nipomo Dunes Forum**
- Land Conservancy of San Luis Obispo County
- **Morro Estuary Greenbelt Alliance (MEGA)**
- **North Coast Alliance**
- **California Cattlemen's Association**
- **Cambria Farm Center**
- **San Luis Obispo County Cattlemen's Association**
- San Luis Obispo County Farm Bureau
- Central Coast Concerned Mountain Bikers
- **Coast Mounted Assistance Montana De Oro State Park**
- Santa Margarita Community Forestry

### Public Agencies Supporting the Project

- **Bureau of Land Management (BLM)**
- **California Transportation Commission (CTC)**
- Board of Supervisors, San Luis Obispo County
- Board of Supervisors, Monterey County
- **Cambria Community Services District**
- Cayucos Citizens Advisory Council
- City of Arroyo Grande
- City of San Luis Obispo
- **North Coast Advisory Council**
- San Luis Obispo Council of Governments (SLOCOG)  
(membership on SLOCOG includes all County Mayors and Supervisors)
- **San Simeon Community Services District**
- **Santa Margarita Area Advisory Council**

- **Upper Salinas-Las Tablas Resource Conservation District**

## **Businesses Supporting the Project**

- **Arroyo Grande Chamber of Commerce**
- **Atascadero Chamber of Commerce**
- **Cambria Chamber of Commerce**
- **Los Osos Chamber of Commerce**
- **San Luis Obispo Chamber of Commerce**
- **San Simeon Chamber of Commerce**
- **Best Western Cavalier Oceanfront Resort**
- **Ocean Avenue Travel, Cayucos, CA**
- **Sansone Company Inc, San Luis Obispo, CA**
- **Deborah Lyon DDS, San Luis Obispo, CA**
- **Clark Valley Farm Inc., Los Osos, CA**
- **Solo Creations, Los Osos, CA**
- **Blakeslee & Blakeslee, San Luis Obispo, CA**
- **Good Green Earth Landscape Company**
- **High Flying Farm, Fort Collins, CO**
- **Cavanah Group, Inc. DBA IMS. Agoura, CA**
- **Pacific Energy Company**
- **Wearable Images**

## **Elected Officials who have publicly voted to support the Conservation Framework or have expressed support for the project.**

- **U.S. Congressman Bill Thomas (22nd District)**
- **U.S. Congressman Sam Farr, Spoke positively about the project**
- **U.S. Congresswoman Lois Capps, Spoke supporting the project in the Tribune**
- **Former Congressman Leon Panetta (22nd District)**
- **Senator Bruce McPherson (15th Senate District)**
- **Republican Leader of the Assembly Kevin McCarthy (32nd Senate District)**
- **Senator Mike Machado, Spoke positively about the project**
- **Assemblyman Abel Maldonado (33rd District)**
- **SLO Supervisor Harry Ovitt (1st District)**
- **SLO Supervisor Shirley Bianchi ( 2nd District)**
- **SLO Supervisor Katcho Achadjian (4th District)**

- SLO Supervisor Peg Pinard (3rd District)
- SLO Supervisor Mike Ryan (5th District)
- Former SLO Supervisor Bill Coy (2nd District)
- Monterey Supervisor Dave Potter (5th District)
- Monterey Supervisor Fernando Armenta (1st District)
- SLO Mayor Dave Romero
- SLO Vice Mayor Christine Mulholland
- SLO Councilman John Ewan
- SLO Councilman Ken Schwartz
- SLO Councilman Alan Settle
- Paso Robles Councilman Frank Mecham
- Arroyo Grande Councilman Jim Dickens
- Arroyo Grande Council Tony Ferrera
- Arroyo Grande Councilman Joe Costello
- Arroyo Grande Councilwoman Sandy Lubin
- Arroyo Grande Councilman Thomas Runels
- Cambria CSD Joan Cobin
- Cambria CSD Ilan Funke Bllu
- Cambria CSD Peter Chaldecott
- Cambria CSD Don Villeneuve
- Cayucos CAC Bruce Gibson
- Cayucos CAC Arly Robinson
- Pismo Beach Councilman Rudy Natoli
- Grover Beach Councilman Dave Eckbom
- Morro Bay Councilman Dave Elliot
- Atascadero Councilwoman Wendy Scalise
- San Simeon CSD Terry Lambeth
- San Simeon CSD David Kiech
- San Simeon CSD Carol Bailey-Wood
- San Simeon CSD Eric Schell

### Other Endorsements

- The Tribune, San Luis Obispo County (February 21, 2003)
- San Diego Union Tribune (February 7, 2004)
- Comments from individuals about the "Hearst Ranch Conservation Project"

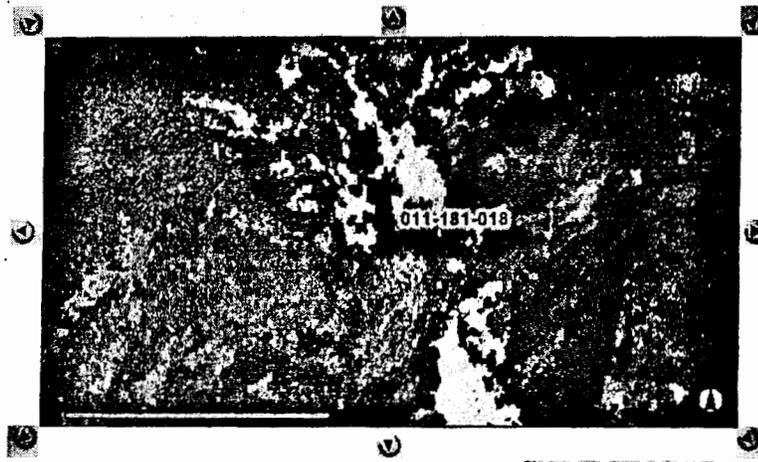
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We are in the process of collecting names of individuals who support the "Hearst Ranch Conservation Project". These names will be



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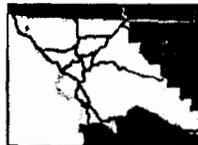
**Parcel Information**

**APN:** 011-181-018  
**Land Use Category:** AG  
**Supervisorial District:** 2  
**Planning Area:** North Coast  
**School District:** Coast Unified School District  
**Combining Designations:** Flood Hazard Area  
 Sensitive Resource Area  
 Geologic Study Area - Landslide Risk  
 Fault Alquist-Priolo Zone  
 Coastal Zone Boundary  
**Coastal Designations:** Terrestrial Habitat

[Link to Tidemark Permit Tracking System](#)



ZOOM IN ZOOM OUT PAN IDENTIFY



**Layer Display:**

**Land Use**

- Countywide Landuse Categories
- Land Under Conservation Contract

**Combining Designations**

- Airport Review Area
- Coastal Zone Boundary
- Energy and Extractive Area
- Extractive Area
- Flood Hazard
- Geologic Study Area
- Geologic Study Area - Faults
- Proposed Reservoirs
- Sensitive Resource Area

**Coastal Designations**

- Archaeologically Sensitive Area
- Marine Habitat
- Riparian Vegetation
- Terrestrial Habitat
- Wetlands

**Planning/District Boundaries**

- 2000 Supervisorial Districts
- Community Advisory Areas
- Planning Areas
- School Districts
- Urban/Village Reserve Areas

**Base Map**

- 2007 Aerial Photo
- County Wide Creeks
- Highways
- Hillshade
- Roads
- Waterbodies

**Emergency Preparedness**

- Agriculture Holding Areas
- Fire Hazard Zones
- Protective Action Zones
- Tsunami Inundation Area

**Environmental**

- Kit Fox Mitigation Ratios

**LEGEND**

- Selected Property
- Streets
- Highways
- Parcels
- Adjacent Counties
- San Luis Obispo County

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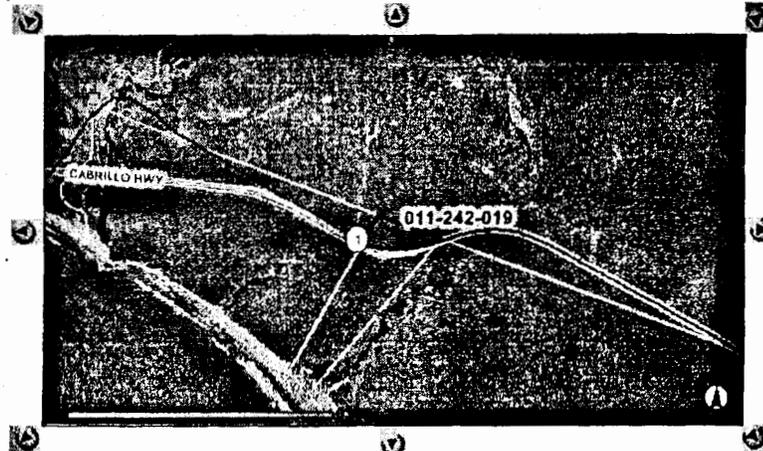
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For more information please contact:

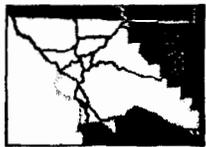
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Selected Site | Demographics | Businesses | Notification

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**Parcel Information**

APN: 011-242-019  
 Land Use Category: AG  
 Supervisorial District: 2  
 Planning Area: North Coast  
 School District: Coast Unified School District  
 Combining Designations: Sensitive Resource Area  
 Geologic Study Area - Landslide Risk  
 Coastal Zone Boundary

**Coastal Designations**

[Link to Tidemark Permit Tracking System](#)

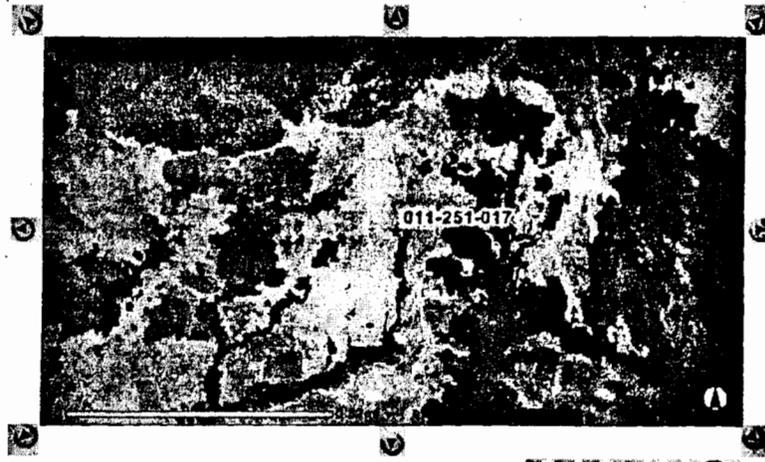
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**Parcel Information**

APN: 011-251-017  
 Land Use Category: AG  
 Supervisorial District: 2  
 Planning Area: North Coast  
 School District: Coast Unified School District  
**Combining Designations**  
 Flood Hazard Area  
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 Geologic Study Area - Landslide Risk  
 Fault Alquist-Priolo Zone  
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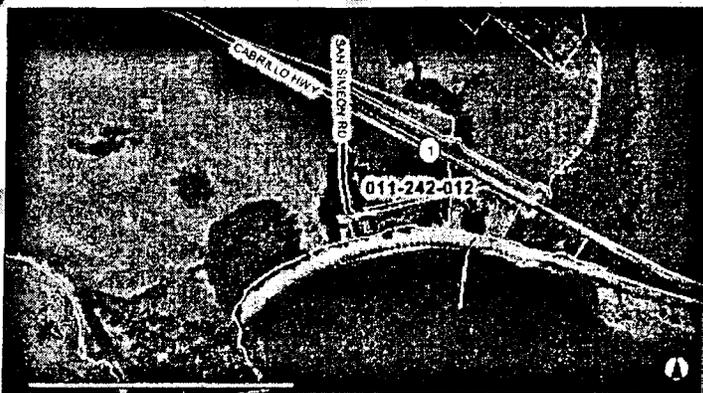
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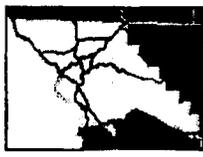
**APN:** 011-242-012  
**Land Use Category:** CR  
**Supervisorial District:** 2  
**Planning Area:** North Coast  
**School District:** Coast Unified School District  
**Combining Designations:** Flood Hazard Area  
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 Coastal Zone Boundary

Coastal Designations

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**LEGEND**

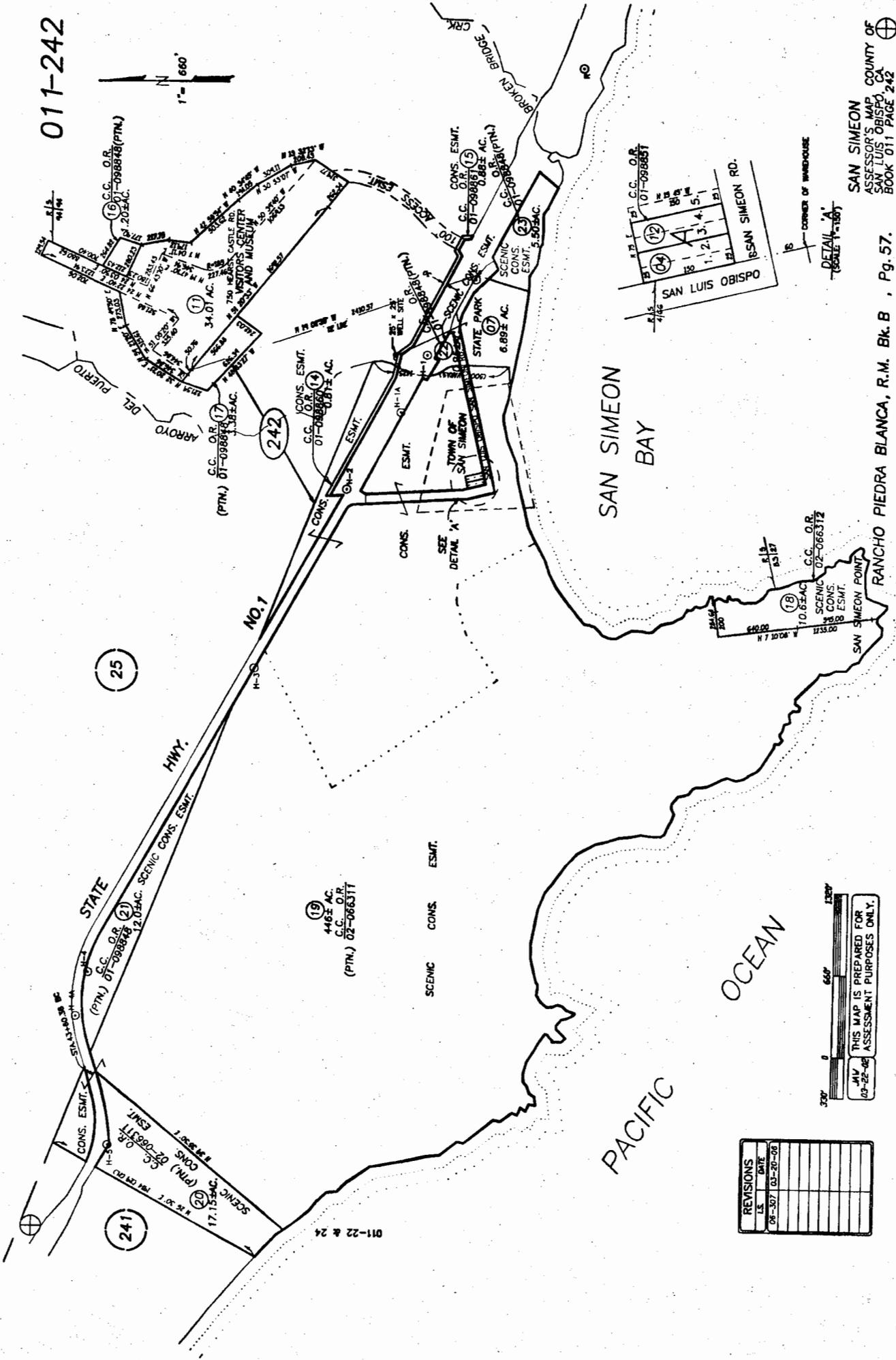
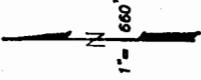
- Selected Property
- Streets
- Highways
- Parcels
- Adjacent Counties
- San Luis Obispo County

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For more information please contact:  
 County of San Luis Obispo  
[jkelly@co.slo.ca.us](mailto:jkelly@co.slo.ca.us)

011-242



SAN SIMEON COUNTY OF  
ASSESSOR'S MAP  
SAN LUIS OBISPO, CA  
BOOK 011 PAGE 242

RANCHO PIEDRA BLANCA, R.M. Bk. B , Pg. 57.

1200' 660' 330'

THIS MAP IS PREPARED FOR  
ASSESSMENT PURPOSES ONLY.

03-22-08

REVISIONS	LS	DATE
	06-307	03-20-08



Hearst Ranch Conservation NOW

**Hearst Ranch Conservation Project**  
**Response to Draft of the**  
**California Coastal Commission Staff Analysis**  
Dated 8-5-2004

August 18, 2004



*Hearst Ranch Conservation NOW is an independent group of individuals with varied and extensive land trust and environmental experience. We are not affiliated with the American Land Conservancy or the Hearst Corporation*

*Our website is*  
**[www.hearstranchconservation.org](http://www.hearstranchconservation.org)**

*Contact Information*

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805-785-0248

# Hearst Ranch Conservation NOW

## **Response to Draft of the California Coastal Commission Staff Analysis**

In a memo dated August 5, 2004, staff of the California Coastal Commission (CCC) summarize their analysis of the Hearst Ranch conservation project. This summary is critical of many aspects of the project and includes nine recommendations for improving the deal. Many of the criticisms and recommendations echo those of the strident opponents of the project.

Hearst Ranch Conservation NOW has reviewed this summary and the full 48-page analysis. We conclude that the main conclusions reached by CCC staff are based either on misleading interpretations of the publicly-available documents or a basic misunderstanding of the nature of this conservation transaction.

Below, we respond to the CCC staff analysis, including its rationale and recommendations. Following those comments, we include a copy of the CCC analysis summary, highlighted to note specific objections raised by staff. We find these objections can be addressed by reference to the available transaction documents, which we have done in other papers ("Viewpoint and Response to Comments", and "Response to LAO Comments") [maybe it's easier to reference those than include a whole new table?]

### **General Comments**

- First, we do not see any statutory basis for CCC staff to comment on this project. The CCC's charge is to enforce provisions of the Coastal Act when development permit applications are brought forward. This transaction does not propose any development projects. Rather, it constrains the ability of the land owner to pursue development in the future.
- The CCC staff appears to misunderstand the nature of this transaction. The analysis refers to the project as the "Hearst Ranch Conservation Plan", and staff approaches it as they would a Habitat Conservation Plan or a Specific Plan (i.e., part of the County's Local Coastal Program). The Hearst project, in contrast, is a voluntary transfer of property rights to a qualified land trust. The transaction specifically acknowledges that any future development allowed under the retained property rights will be subject to all applicable regulation, including that of the CCC.
- The CCC staff analysis apparently has been conducted without any specific direction from the Coastal Commission. The summary text mirrors language used by the most strident opponents of the project, one of whom is a Coastal Commission staff member. The analysis appears to prejudice any future development applications that Hearst might submit.

### **Response to CCC Recommendations**

In table form below, we respond to the recommendations offered by the CCC staff, with references to the transaction documents as necessary. The full text of the recommendations can be found in the copy of the CCC summary analysis following the table.

Hearst Ranch Conservation NOW, Response to CCC

Recommendation	Response	Reference(s)
<p>1. All lands west of Highway One, except for a limited commercial/visitor-serving node at Old San Simeon Village, should be conveyed into public ownership as should an identified public trail alignment connecting the Coastal Trail with public lands to the east of the Ranch.</p>	<ul style="list-style-type: none"> <li>• This is a voluntary transaction, and the lands retained by Hearst were not for sale or offered as a donation.</li> <li>• Public access on the east side is not consistent with the operations of a working cattle ranch.</li> <li>• Trail access to public lands east of the Ranch is available immediately to the north of the property.</li> </ul>	
<p>2. Subdivision of the Ranch for residential purposes should be prohibited..... Limited non-agricultural residential uses could possibly be considered in the context of a comprehensive lot retirement plan for the Ranch.</p>	<ul style="list-style-type: none"> <li>• The Ranch already comprises 271 legal parcels, of which 123 are in the Coastal Zone.</li> <li>• The CCC can condition, but cannot prohibit, residential uses on those parcels within the Coastal Zone.</li> </ul>	<p>East Side Conservation Easement (Tab 3C, Exhibit C)</p>
<p>3. All new non-agricultural development east of Highway One should be sited entirely out of major public viewsheds, including Highway One in its current and future configurations, the CCT, public beaches, the Hearst Castle, coastal waters, and other significant public vantage points. Except for visitor-serving development at OSSV and public access and recreation amenities, no development should be allowed in the public viewshed west of Highway One.</p>	<ul style="list-style-type: none"> <li>• Homesite criteria require screening from the viewsheds of Highway 1 and the Castle.</li> <li>• Screening from the CCT and public beaches is likely accomplished, since they are west of Highway 1.</li> <li>• Screening from "other significant public vantage points" is unreasonably vague.</li> <li>• The Caltrans Scenic Conservation Easement protects the viewshed west of Highway 1.</li> </ul>	<p>East Side Conservation Easement (Tab 3C, Exhibit H)</p> <p>Caltrans Scenic Conservation Easement (Tab 4B)</p>



Recommendation	Response	Reference(s)
<p>7. <i>The documents should be clear that the HRCP does not supersede regulatory requirements, does not alter regulatory standards, and does not create any entitlements to regulatory approval of the development and uses anticipated in the HRCP.</i></p>	<ul style="list-style-type: none"> <li>• From a legal perspective, a contract between an easement holder and property owner can't supersede regulatory requirements. The easement document recognizes this.</li> </ul>	<p>East Side Conservation Easement (Tab 3C, Section 2, page 9)</p>
<p>8. <i>The HRCP should be revised to ensure effective public agency oversight and enforcement of the conservation values and interests being purchased in a manner consistent with natural resource protection policies of the Coastal Act. Maximum public participation in the monitoring and enforcement process should be provided.</i></p>	<ul style="list-style-type: none"> <li>• WCB will approve the baseline report and monitoring protocols.</li> <li>• WCB will review the management plan and monitoring reports, and release a summary of monitoring reports.</li> <li>• WCB will require monitoring audits and will force reassignment of the easement if the easement holder fails to perform.</li> </ul>	<p>WCB Grant Agreement (Tab 3B)</p>
<p>9. <i>The public review process for the HRCP should be extended, to provide for adequate evaluation of the proposed land transfer, conservation standards and implementation mechanisms, and other information that is yet to be provided</i></p>	<ul style="list-style-type: none"> <li>• Not necessary. This project has received unprecedented public disclosure and examination.</li> <li>• Delay could jeopardize the already-extended option between Hearst and the American Land Conservancy.</li> </ul>	

**Text of CCC Draft Staff Analysis**

We include below the text of the CCC staff analysis. We have highlighted the text to identify various objections and assertions made by CCC staff. These issues have been addressed in two previous Hearst Ranch Conservation NOW papers:

- Viewpoint and Response to Comments
- Legislative Analyst's Office, Letter and Response





--- Protecting a Working Legacy ---

## Conserving the Hearst Ranch



--- A Historic Conservation Opportunity ---

-- September 1, 2009 --

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Welcome to this Site

Hearst Framework

Hearst Ranch Facts

Development Reduction

Conservation Values

Cost Determination Public Process

Photo Gallery

Press Coverage

Friends and Supporters

Questions and Answers

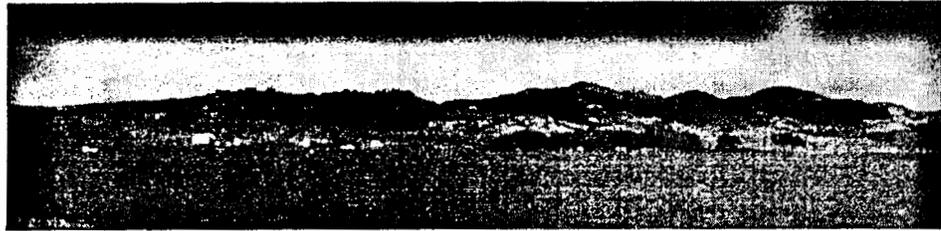
More Information

What can I do?

Links

Contact Us

## Contact Us



The **Supporters of the Hearst Ranch Conservation Project** invite your comments, questions and support. If you have any questions we will try to answer if we can.

Sincerely,

Supporters of the Hearst Ranch Conservation Project

To make a comment or ask a question click on the links below.

- **E-mail:**  
**Gary Felsman**  
Arroyo Grande, CA
- **E-mail:**  
**Bruce Gibson**  
Cayucos, CA



Hearst Ranch southern end from Visitor Center





--- Protecting a Working Legacy ---

## Conserving the Hearst Ranch



--- A Historic Conservation Opportunity ---

-- September 1, 2009 --

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# Hearst Ranch Conservation Project

~~ Working Together to Conserve the Hearst Ranch ~~

<p><b><u>Latest News:</u></b>  <b><u>2-28-06</u></b>  <b><u>State Parks Starts Planning Process</u></b></p> <p><b><u>4-7-06</u></b>  <b><u>Hearst Ranch Conservation Now Endorses Gibson for Supervisor</u></b></p>	<p><b><u>Take Action:</u></b>  <b>No Action needs to be taken at this time</b></p>	<p><b><u>More Information:</u></b>  <b><u>Hearst Ranch Conservation NOW Responses to Concerns, West Sides Access Comparison and other Project Documents</u></b>  <b>-- Project History--</b></p>
---	--	--

**We did It!**  
**Hearst Ranch Conservation Project**  
**Hearst Ranch Project Closed Escrow!**  
**on February 19th, 2005**



View of the Hearst Ranch

For past 25 years, the citizens of California have fought hard to preserve the **128 square mile (82,000 acre) Hearst Ranch**. Thousands of individuals attended public hearings, wrote letters, made phone calls and did much more in an effort to preserve the scenic coastline, known as the gateway to the Big Sur Coast, and the viability

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**RECEIVED**

SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**McElhinney & McElhinney**

*Attorneys at Law*

800 Quintana Road, Suite 2F

Morro Bay, CA 93442

(805) 772-7877

W10c

Susan McElhinney  
Stuart McElhinney

September 23, 2009

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4877

Re: Appeal of Lila Evans  
To: California Coastal Commission  
Of: San Luis Obispo County Approval of Minor Use Permit  
Appeal A-3-SLO-09-051  
County File DRC2008-00058

Dear Sirs:

We received your staff recommendations on the above matter.

We concur with the proposed conditions.

However, we noted one issue was not addressed in the recommendations: CZLUO 23.01.034c, which provides that, "No application ... shall be approved where an existing land use is being maintained in violation of any applicable provisions ... of this code..."

In Appellant's Supplemental Statement filed in SLO County Case DRC2008-0058 (Attachment 4, to Appeal of Lila Evans, filed herein). Appellant raised San Luis Obispo Coastal Zone Land Use Ordinance 23.08.0030 g(1), which provides that "...garage sales and equivalent events are allowed to take place twice a year, for a maximum of two days per sale." It is undisputed in the record that for many years the Applicant has held at least 3 such sales per year. Further, the CZLUO requires that when there are more than two such events per year, they must be held in a commercial zone. The area in question is a residential zone.

The County determined that these provisions did not apply because they related only to "ancillary activities" of the permitted use, i.e., as a church and school. This argument would allow any un-permitted and otherwise prohibited activity to take place if such activity were "ancillary" to the primary use.

The application under consideration is for the construction of a storage shed. Would this argument obviate the need for applicable permits if the shed were to be designated "the fund raising shed ancillary to the church and school activities" rather than as a "storage

**McElhinney & McElhinney**

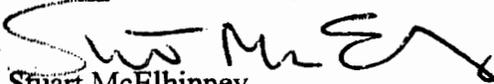
*Attorneys at Law*

shed" which is ancillary to the use of the adjacent building for the storage of tables and chairs?

We submit that this is a substantial issue, and request that you review this issue.

Your consideration of this matter is appreciated.

Very truly yours,

  
Stuart McElhinney

Encl.

cc: San Luis Obispo County Planning Department  
Community Presbyterian Church of Cambria  
Lila Evans

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SEP 24 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

A 3-510-09-051  
Lila Evans, representing  
Pine View Tract Residents  
(Materials in opposition to  
project.)

To: Jonathan Bishop, Planner  
Dan Carl, District Manager

I received a copy of the Coastal Commission Report and preliminary decision. Thank you. Conditions 41 and 42 additional will be extremely helpful in alleviating many adverse existing concerns. (Pictures and statements mailed to Commission on Sept 17<sup>th</sup> 2009)

I am sending additional photographs, Legend Maps and copies of Planning Area Standards to reinforce oral arguments and statements presented by Attorney Stuart McEhinney and concerned residents at group meetings and hearings.

Thank you for forwarding for further investigation, activities relating to consistency with CDP. We appreciate your help and concerns.

Scenic Highway 1, curving through the Special Community of Cambria is of utmost significance to our village. Highway 1 has been designated as a local, regional, state and national Scenic Highway. We are indeed, proud.



Lila Evans

cc. Attorney McEhinney

September 23, 2009

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SEP 24 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Maps: North Coast Area Plan Land Use  
Circulation  
Legend Maps

- 1] Cambria Combining Designation
- 2] North Coast Combining Designation
- 3] North Coast Area Circulation
- 4] (Urban) Land Use Categories

Planning Area Standards

Chapter 5 Circulation 5-8  
Highway 1 Figure 5-1

Chapter 4 Community View Corridor  
4-18 Highway 1  
4-17 ASA Residential Single Family  
4-19 Tree Removal

Chapter 6 SRA TH LCP Monterey Pine Forest  
6-2  
6-10

Chapter 7 Planning Area Standards  
7-8 Combining Designation  
7-22 Highway 1 Buffer  
7-21 Landscaping  
7-23 Erosion Flooding  
7-25  
7-32  
7-48  
7-50  
7-67 Tract 163 Pine View Tract

Photographs 4

Chapter 5  
Scenic Highway 1 State 1999  
National 2003

### Principal Arterials

Principal Arterial Highways function to carry traffic between regions and major population areas. These are typically freeways and State Highways, such as Highway One in the Planning Area. Highway One was designated a Scenic Highway by the State in 1999, and a National Scenic Byway in 2003.

**Highway One.** This highway is the main route through the Planning Area, serving area residents, the agricultural community, and tourists driving the scenic coast route between San Luis Obispo and the Monterey Peninsula. A concern for the future is the increasing volume of traffic along Highway One resulting from existing attractions such as Hearst Castle, and proposed new resort facilities and outdoor recreation.

Highway One is, however, required by statute to remain a two lane, scenic road in rural areas of the coastal zone. In the North Coast, this is all of the planning area outside of the urban services lines of Cambria and San Simeon Acres. This places added importance on the use of Transportation Demand Management methods, to insure that levels of service remain acceptable. In addition, Highway One should be realigned landward in order to maintain the road as a scenic highway, provide continuing access to and along the North Coast of the County, and limit the amount of shoreline protection devices that may otherwise be needed to prevent damage to the highway from bluff erosion. In order to maintain the scenic quality of the highway, and to protect the State scenic highway status, only minor safety improvements are proposed, such as adding signals and channelizing traffic.

Within Cambria, Highway One circulation concerns include safer access and crossings of the Highway. Highway One bisects Cambria, with intersections located at Main Street/Ardath Drive, Burton Drive, Cambria Drive, Main Street/Windsor Boulevard/Moonstone Beach Drive, Weymouth Street, and North Moonstone Beach Drive. Currently there are signals at Windsor Boulevard, Ardath Drive, Main Street and Burton Drive.

In San Simeon Acres, landscaping between the highway and frontage roads is recommended to improve community appearance. Because Highway One is a substantial barrier dividing the town, better vehicle and pedestrian crossing facilities are needed.

### Arterial Roads

Arterial Roads function to carry traffic between Principal Arterial roads, population centers, and to serve large volumes of traffic.

**Main Street.** Main Street was the former Highway One route through Cambria. It now serves as the main access to the central business district, and to nearby commercial and public uses. Limited operational improvements, such as signs, turn pockets, and bike and pedestrian ways, are necessary to accommodate traffic. The proposed Main Street Enhancement Plan should provide these improvements. Any improvements should maintain and enhance the character of the streetscape, while providing convenient access to businesses. Also, an off-street parking program, public transit and limited road widening are needed in commercial areas to help alleviate traffic congestion.

Chapter 5 Circulation  
Figure 5-1 Scenic Highway 1

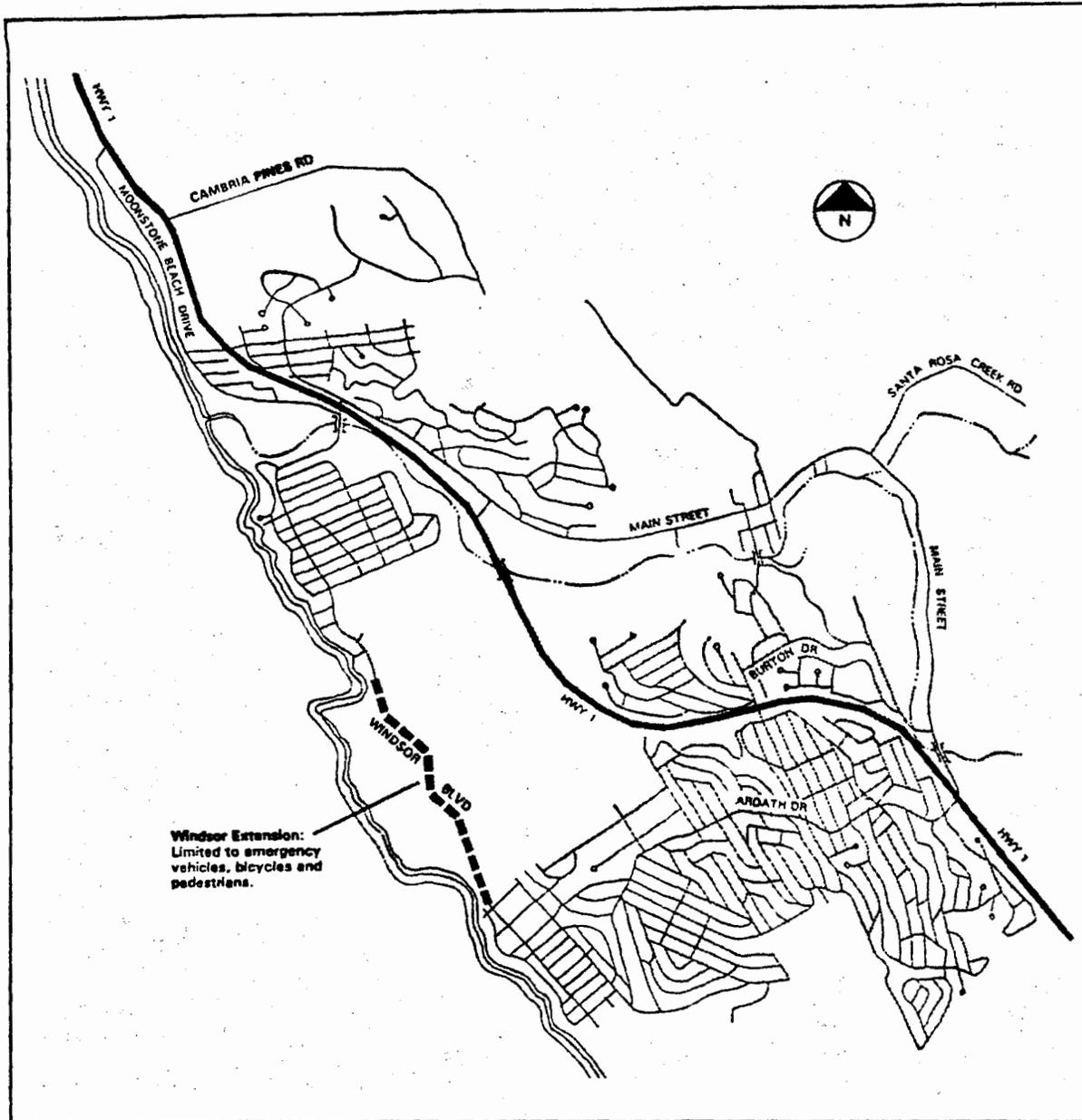


Figure 5-1: Existing Roadways & Proposed Windsor Blvd. Extension, Cambria

5. Other Transportation Facilities.

**Transit**

An inter-community transit system provides service between Cambria and San Luis Obispo. Buses are scheduled for three round trips per day five days a week. The transit system should include a limited route through Cambria for the convenience of local residents. With increasing population growth, the frequency of trips should be increased in response to demand.

## Chapter 4 Community Wide

### 1. View Corridors and Landscaping

#### Recreation

- 7. Parks Planning and Development.** The County, nonprofit organizations, and CCSD should continue to coordinate neighborhood park plans for residents in Cambria.

#### San Simeon Acres Village Programs

The following programs apply within the San Simeon Acres Village Reserve Line, to locations in the land use categories listed.

#### Communitywide

- 1. View corridors and landscaping.** The County should work with property owners to protect, restore, and enhance coastal and inland views from Highway One, the frontage road, and other public areas. Sidewalks, native street trees from local stock, and decorative street lights along the frontage road are encouraged, provided they do not block views, impact sensitive habitats, or detract from the natural scenic landscape.

#### Recreation

- 2. Park Sites.** A small roadside park and overlook should be acquired by the County or the San Simeon Acres Community Services District in the northwestern part of San Simeon Acres for the development of picnic facilities, restrooms, and beach access for residents and tourists.

## Chapter 4 Land Use

### 6. Tree Removal Penalty

#### **Cambria Urban Area Programs**

The following programs apply within the Cambria Urban Reserve Line, to locations in the land use categories listed.

#### **Residential Single-Family and Multi-Family**

- 1. Tract 226.** The County should work with property owners in Tract No. 226 to resubdivide the lots (with no net addition of lots) for a multi-family or mixed use project that can be sustained by available public services and complies with LCP resource protection requirements, particularly regarding drainage and erosion control.
- 2. Affordable Housing.** The County and the Cambria Community Services District (CCSD) should work together to ensure that affordable housing project proposals are allocated adequate capacity of available water supplies.
- 3. Design Manual.** A design manual to provide designers, developers, and potential and existing lot owners with guidelines for and examples of good residential design should be developed.
- 4. Transfer of Development Credits Program.** The County, the CCSD, local nonprofit organizations, and the local Land Conservancy should promote expansion of the TDC Program to include more areas within the community of Cambria. Sensitive habitat areas should have the first priority for inclusion as sending sites for transferring development credits. Possible agencies that could participate include The Land Conservancy of San Luis Obispo County, Greenspace, Department of Fish and Game, U.S. Fish and Wildlife Service, Cambria Parks and Recreation Commission, and County Parks Division.
- 5. Buildout Reduction Program.** The County, other agencies, and the community should work together with the CCSD in their implementation of the CCSD's Buildout Reduction Program. The Buildout Reduction program will identify various programs in which the County could provide assistance.

Along with other buildout reduction measures identified in the CCSD's Buildout Reduction Program, a program should be initiated to encourage lot consolidation through voluntary mergers and other mechanisms, and to retire vacant lots through acquisition. An open space district should be formed through a cooperative effort between the County, the community of Cambria and others, to begin purchasing small and substandard lots. The objective of this district would be to retire development rights, protect resources, preserve the forest, reduce the number of potential homes, improve fire clearance and reduce impacts on limited resources. Purchased lots could also be considered for a variety of purposes, such as pocket parks, viewsheds, habitat preservation and other uses to benefit the community.

- 6. Penalties for unpermitted tree removal.** Fines for unpermitted removal of trees should be increased to be a more significant deterrent. The Department of Planning and Building may evaluate using fines to fund an agency to monitor replacement trees on and off-site, to identify areas for off-site reforestation, to supervise off-site planting, and provide incentives to owners of built lots to reforest their lots.

6. Penalties

**Table 4-2**  
**Cambria and San Simeon Acres**  
**Schedule for Completing Recommended Land Use Programs**

SCHEDULE FOR COMPLETING SERVICE PROGRAMS						
#	PROGRAM	RESPONSIBLE AGENCIES	POTENTIAL FUNDING	TIME FRAME	TARGET DATE	PRIORITY
<b>RURAL</b>						
1.	AGRICULTURAL PRESERVES	PROPERTY OWNERS COUNTY	FEES	ONGOING	2007	HIGH
2.	PUBLIC LANDS	COUNTY, BLM, OTHERS	FEES, GRANTS	ONGOING	2007	HIGH
<b>CAMBRIA</b>						
1.	TRACT 226 RESUBDIVISION	PROPERTY OWNERS COUNTY	FEES	2005-2007	2007	LOW
2.	AFFORDABLE HOUSING	COUNTY, CCSD, NONPROFITS	FEES, GRANTS	ONGOING	2007	HIGH
3.	DESIGN MANUAL	PLANNING & BUILDING; COMMUNITY GROUPS	GENERAL FUND	2005-2007	2007	HIGH
4.	TRANSFER OF DEVELOPMENT CREDITS PROGRAM	PLANNING & BUILDING; LAND CONSERVANCY; COMMUNITY GROUPS	GENERAL FUND; TDC PURCHASES	2005-2007	2007	HIGH
5.	BUILDOUT REDUCTION; LOT CONSOLIDATION & RETIREMENT PROGRAM	PLANNING & BUILDING; COMMUNITY GROUPS; CCSD; LAFCO	FEES; GRANTS	2007-2009	2009	HIGH
6.	PENALTIES FOR UNPERMITTED TREE REMOVAL	PLANNING & BUILDING; COMMUNITY GROUPS	GENERAL FUND	2005-2007	2007	HIGH
7.	COMMUNITY PARKS PLANS	COUNTY, CCSD	FEES, GRANTS	2005-2007	2007	MEDIUM
<b>SAN SIMEON ACRES</b>						
1.	VIEW CORRIDORS	SSCS, C.A.L TRANS, OWNERS	FEES, GRANTS	2005-2007	2007	MEDIUM
2.	COMMUNITY PARK SITES	COUNTY, SSCSD	FEES, GRANTS	2005-2007	2007	MEDIUM

## Chapter 6 Combining Designation

### 4. Monterey Pine Forests (SRA)(TH)

### 6. Local Coastal Program

3. **North Coast Shoreline (SRA).** The entire shoreline is a valuable scenic and natural resource which must be protected from excessive and unsightly development. Most of the coastline consists of low marine terraces with accessible beaches and coves, interspersed with rocky shorelines and steep bluffs. Offshore are rocks, reefs, and kelp beds. The Monterey Bay Marine Sanctuary provides protection for the rich offshore marine habitat, and extends from 35 degrees 33 minutes North latitude (a point on the West Ranch in Cambria, approximately 1600 feet south of SeaCliff Estates) northward through Monterey County. The rugged Sierra Nevada, San Simeon and Piedra Blancas points are of significant visual and environmental importance. The entire North Coast also sustains important marine habitats, and provides for a variety of passive recreation uses. North of San Carpoforo Creek, steep-sloped mountains rise abruptly from the ocean, limiting public use to the scenic views from Highway One.
4. **Monterey Pine Forests (SRA)(TH).** While widely grown in the Southern Hemisphere as a commercial timber, Monterey pine forest occurs in only three areas of its native California. The southernmost stand in California is the 2,500 acres surrounding Cambria, with another isolated 500 acres at Pico Creek. These stands are extremely important as a "gene pool," due to genetic variations found there that protect some trees from pine pitch canker, a disease that is causing rapid loss of Monterey pine trees. Relatively undisturbed stands occur on the Cambria fringe area and in isolated pockets to the north. Monterey pine forests cover most of the Cambria Urban Area. The larger remaining stands in undeveloped areas should be retained intact as much as possible, by designing cluster development at very low densities in open areas or areas of sparse tree cover. Preservation of finer specimen stands is recommended through the use of open space easements, avoidance by development, and direct purchase. The introduction of hybrid species of pines is discouraged in the forest.
5. **North Coast Creeks (SRA)(ESHA).** Portions of Santa Rosa, San Simeon, Pico, and Little Pico, Arroyo de la Cruz, Arroyo del Padre Juan, and San Carpoforo Creeks are anadromous fish streams which should be protected from impediments to steelhead migration and spawning. Adjacent riparian and wetland areas provide important wildlife habitat. Ground water and surface waters are linked, and maintenance of the creek habitats is essential to protect many coastal resources. These creeks support a number of declining species, such as the Tidewater Goby, Striped Garter Snake, Western Pond Turtle, Red-legged Frog, and Steelhead Trout.
6. **Local Coastal Program (LCP).** The Coastal Zone encompasses all lands within the North Coast Planning Area. The LCP Combining Designation identifies specific programs to ensure that access to the shoreline is provided and that coastal resources are protected in accordance with the policies of the Local Coastal Program.
7. **Bluff Erosion (GSA).** Portions of the coastline where bluff erosion poses a concern for siting new development have been noted. Development should be located so that it can withstand 100 years of bluff erosion, without the need for a shoreline protection structure that would substantially alter the landform, affect public access, or impact sand movement along the beach.
8. **Archaeologically Sensitive Areas (AS).** The Archaeologically Sensitive Combining Designation identifies urban and rural areas known for the potential to contain cultural resources. Applicants of development proposals in these areas are required to obtain a records check and possibly a surface search prior to approval. Standards to protect resources are described the LCP Policy Document, and Chapter 7: Combining Designation Standards of the *Coastal Zone Land Use Ordinance*.

## Chapter 6

- 12. SRA Sensitive Resource Area
- 13. Monterey Pine SRA TH

12. **Site Design (SRA).** Where development may be allowed in shoreline and other Sensitive Resource Areas, the County should encourage the use of cluster development.
13. **Monterey Pine Forest - Forest Management District (SRA)(TH).** The County should assist in the formation of a Forest Management District or other appropriate organization based upon the recommendations of the Forest Management Plan. The purpose of the District would be to implement the recommendations of the Plan, and provide for the long-term management of the forest. On-going functions of the District might include grant management, education, agency coordination, open space management, tree inspection and removal advice, restoration efforts, erosion control, and other activities.

The County should establish a Forest Management District, or an equivalent, setting up a new forest impact mitigation fee and fund using fees collected for removal of Monterey pines. The fees shall be established in compliance with provisions of the Mitigation Fee Act and may be used for creation and start-up of a Forest Management District, habitat enhancement, inspection, enforcement, education, and other forest management efforts. After establishment of the appropriate fee structure, new development may be required to pay reasonable fees to offset the impact of tree removal in the pine forest. The fund shall be designated for Monterey pine habitat protection, restoration, and enhancement. No mitigation fee would be required for removal of dead or diseased trees, or trees in dangerous condition as determined by the County or its representative. All mitigation fees are in addition to any other fees for inspection or permits, and shall be paid prior to approval of any State or County permit.

14. **Erosion Control Program (LCP).** The County should prepare a coordinated resource management program as part of Phase IV of Local Coastal Program implementation to reduce erosion in the Monterey pine forest. The program should be integrated with the Forest Management Program, and should utilize the best available management methods to protect the forest and to reduce areawide erosion and sedimentation impacts.

Siltation shall be controlled and sediment shall be prevented from entering Santa Rosa Creek, or damaging other coastal resources, to the maximum extent feasible. Implementation of the certified program and establishment of a long-term funding source will require an erosion control/forest management fee established in compliance with the provisions of the Mitigation Fee Act. In addition, a manual shall be prepared by the County as a part of the program to address special development issues pertaining to the Monterey pine forest. The manual will emphasize techniques that may be used to prevent erosion and enhance and preserve the landscape, and will recommend special development regulations.

15. **Small Lot - Open Space District (LCP).** As one component of a larger build-out reduction program, the County, CCSD, the community of Cambria, and other stakeholders should work together to establish an Open Space District to begin purchasing and maintaining many of the small and substandard lots in Cambria. The objective of the District would be to preserve the Forest from being physically displaced as small lots are developed with residential units. Secondary benefits would include lower building density, better fire clearance, more privacy between homes, larger yards, and more landscaping in neighborhoods.

Chapter 1  
Monterey Pine Forest Standards SRA

13. Clustering  
14. Preservation

**Monterey Pine Forest (SRA)** - The following standards apply to the Monterey pine forest areas.

- 13. Clustering.** Clustering shall be required for new subdivisions or large scale development projects within forested areas. Where feasible, new development shall be restricted to slopes less than 20%.
- 14. Tree Preservation.** Where development requires removal of Monterey pines greater than six inches in diameter, replacement of native stock will be required.

**Arroyo de la Cruz (SRA)** - The following standard applies to development in or adjacent to Arroyo de la Cruz:

- 15. Limitation On Use.** No development is permitted unless it is agriculturally related, for water diversion projects, coastal accessways, or water wells and impoundments.

**AGRICULTURE:** The following standards apply to lands in the Agriculture land use category.

- 1. Agriculture - Hearst Ranch.** Any land division proposed in the agricultural portions of Hearst Ranch shall satisfy the following criteria:
- a. The division shall constitute an individually viable agricultural unit, or
  - b. The division shall improve the viability of adjacent holdings or serve a necessary public service where it can be demonstrated that the division will not otherwise significantly reduce the agricultural viability.

**COMMERCIAL RETAIL:** The following standards apply only to lands within the Commercial Retail land use category.

- 1. Limitation on Use.** Uses shall be limited to: caretaker residences; coastal accessways; eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); general merchandise stores (limited to tourist-oriented gift shops and art galleries); service stations; water wells and impoundment; hotels and motels; bed and breakfast facilities; public assembly and entertainment (when accessory to a hotel or motel); and those cultural, education and recreation uses (excluding libraries, membership organizations, schools, and social service organizations) normally allowed in the Commercial Retail category (see Coastal Table O, Part I of the Land Use Element).
- 2. Permit Requirement.** Development Plan approval is required for all new or expanded commercial uses.

# Chapter 7 Planning Area Standards

D  
E (2)

- (1) The "project limit area" shall include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
  - (2) Sturdy and highly visible protective fencing that will be placed along the 'project limit area'. Plan notes shall indicate this fence should remain in place during the duration of project construction to protect vegetation from construction activities.
  - (3) Plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.
  - (4) Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
  - (5) Plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques:
    - a. Injecting pressurized water.
    - b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
    - c. Other County-approved techniques.
  - (6) Plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed, or as recommended in an arborist's or biologist's report.
- D. Notice of pending tree removal application.** Where Plot Plan approval is required for a tree removal permit, a notice shall be posted by the property owner or representative near the front property line on the subject site. The notice shall be maintained in good condition by the property owner until permit issuance.
- E. Construction Practices.** Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented. These construction practices are to include at minimum;
- (1) All plan notes required in Standard C. above shall be implemented.
  - (2) **Protective Measures.** Practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of

## Chapter 7 Planning Area Standard

F. 5  
6  
8

**Coordinator.** All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.

- (4) To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed:
  - a. **Infected or contaminated material shall not be transported to areas that are free of the disease;**
  - b. When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees;
  - c. **Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site;**
  - d. **Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.**
- (5) **Prior to final building permit inspection, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation plan has been properly implemented; and**
- (6) **All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.**
- (7) **Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.**
- (8) **The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.**

**G. Understory Vegetation Removal.** No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available. At the time of permit application, if there is evidence that the understory has been cleared without a permit or if there is evidence that the understory has been cleared outside of the approved 'project limit

**COMBINING DESIGNATIONS:** The following standards apply to lands in the Local Coastal Plan (LCP) combining designations, as listed below.

1. **Monterey Pine Forest Habitat (SRA) (TH) - Purpose.** The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. Applications for development within this SRA may require the preparation of a biological report, depending on the result of a mandatory site review. In the event that the site review indicates that the site may contain environmentally sensitive habitat areas as defined in Coastal Act section 30107.5, a biological report that includes information identified in Section 23.07.170 of the Coastal Zone Land Use Ordinance, as well as any additional information needed to address the development standards below, shall be required. The determination of the need for a biology report shall consider factors including but not limited to the size and connectivity of the forest area, potential presence of special status plant or animal species, and the health and condition of the forest area.

All development within ~~Monterey~~ pine forest (TH) shall include the following minimum standards:

- A. A "project limit area" shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
- B. Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional. New development shall be sited to ensure that any required vegetation removal will be done fully on private property and will not encroach on any public lands or sensitive habitat areas. If development cannot be sited to avoid encroachment within sensitive habitat areas, such encroachments shall be minimized to the maximum extent feasible and appropriate mitigation in support of habitat restoration shall be required.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal. In addition, such plans shall clearly show:

waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

- (3) **Stockpiling of Materials.** Materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction. All stockpiled materials shall be removed before final inspection.
- (4) **Construction Practices.** Excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
- (5) **Driveway Placement.** When remodeling or replacing existing residences, avoid moving established driveways if trees or significant vegetation would be negatively impacted.

**F. Replacement of Vegetation.** Any Monterey pine trees that are six inches or more in diameter 4.5 feet above ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches or more in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:

- (1) A replanting plan shall be prepared as a part of the application. Elements of this plan shall include the type, size and location of vegetation; a description of irrigation plans; and plan notes indicating compliance with the standards of this section. Any proposed on-site or off-site replanting plan must be approved by the County Planning and Building Department prior to issuance of building permits.
- (2) Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata var. macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. **No out of area Monterey Pine stock shall be used.**
- (3) New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development.

If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan shall identify an appropriate off-site area and owned or managed by an appropriate government agency or nonprofit organization.

If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental

area, 20 plants from the following list shall be planted on-site for every 1,000 square feet affected. At least four different species shall be used of approximately equal amounts. All plants shall be from container stock of one-gallon or less. All planting shall be subject to the "Replacement of Vegetation" requirements described above.

**(1) Acceptable Species. The following are considered acceptable for replacement:**

*Quercus agrifolia* (Coast Live Oak) - no more than two seedlings per 1,000 square feet

*Arctostaphylos tomentosa* (Manzanita)

*Heteromeles arbutifolia* (Toyon)

*Rhamnus californica* (Coffeeberry)

*Rubus ursinus* (California Blackberry)

*Symphoricarpos mollis* (Creeping Snowberry)

*Vaccinium ovatum* (Evergreen Huckleberry)

*Ribes menziesii* (Gooseberry)

*Lonicera hispidula* (Honeysuckle)

**H. Clustering of Development Required.** Clustering shall be required for new land divisions or multi-family residential development projects within the Monterey Pine Forest Habitat areas. New land divisions or multi-family residential development shall ensure that all future development shall be located entirely outside of ESHA and necessary buffers consistent with Coastal Zone Land Use Ordinance Section 23.07.170. All of the ESHA and buffers shall be retained and protected as Open Space. When feasible, new development shall be restricted to slopes less than 20 percent.

**2. Flood Hazard (FH).** New development shall comply with Coastal Plan Policies for Hazards and the Flood Hazard provisions of the Coastal Zone Land Use Ordinance, and shall be reviewed for its relation to the Cambria Flood Mitigation Project. No new expanded development, except necessary public services and public access trails, shall occur within Flood Hazard areas until the County has implemented Phase I of the Cambria Flood Mitigation Project in a manner that is consistent with the protection of the coastal stream.

**3. Santa Rosa Creek (FH).** The following standards affect all land use categories in and adjacent to Santa Rosa Creek, as shown on Figure 7-4.

**A. Biological Viability.** Proposed development, including grading, and water well extractions, shall maintain the ecological viability of Santa Rosa Creek (as determined by the County in consultation with the appropriate State or federal agency), including the riparian corridor, stream channel, wetlands, and accompanying marine habitat.

**B. Channelization or Filling in Floodways.** Channelization or fill in the undeveloped floodway (active channel) and floodway fringe (flood plain) of Santa Rosa Creek shall be prohibited unless such development is consistent with Coastal Act Section 30236 and other applicable provisions of the LCP (see Figure 7-4).

**C. Creek Setbacks and Habitat Protection.** All new development shall be set back a minimum of 100 feet from the upland edge of riparian vegetation. Setbacks of less than 100 feet are allowed in accordance with Section 23.07.174d.2 of the Coastal Zone Land Use Ordinance. Recreational trails shall be sited outside of areas with riparian vegetation.

# Chapter 7

## 11 Erosion Control

### A Impermeable Surface

## 12 Landscaping

**11. Erosion Control.** In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks, shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department. The following guidelines shall be followed to the maximum degree feasible:

**A. Impermeable Surfaces.** Impermeable surfaces should be minimized in order to maximize the amount of on-site run-off infiltration.

**B. Drainage.** Drainage systems should be designated to retain water on-site encourage infiltration when feasible.

**C. Natural Drainage Patterns.** Natural drainage patterns should be retained and remediated if retention is infeasible on-site.

**D. Downhill Sites.** On downhill sites, encourage drainage easements on lower properties so that drainage can be released on the street or other appropriate land area below.

**12. Landscaping.** All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest.

**A.** All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings.

**B. Prohibited Plant Materials.** Non-native, invasive, fire prone, and water intensive (e.g., turf grass) landscaping shall be prohibited on the entire site. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.

- (3) **Side Setback.** A minimum 10-foot side setback is required of all buildings in this district. The minimum setback is to be increased one-foot for each three feet of building height above 12 feet.
  - (4) **Rear Setback.** A minimum 20-foot rear setback is required for all buildings on the downslope side of Main Street. For parcels adjacent to Santa Rosa Creek this setback shall be offered for dedication for a public right-of-way.
- D. Roofs.** In order to preserve Cambria's charm as an historic and rural community, it is essential that roof lines are indicative of the shapes that were developed in the historic community.
- (1) **Minimum Roof Pitch.** Any pitched roof shall have a minimum 3:12 pitch.
- E. Service Areas.** Service areas shall be placed away from Main Street, Santa Rosa Creek and other public open space.
- F. Parking.** Parking lots shall be carefully sited in order to preserve the rural character of Cambria.
- (1) **Siting.** Parking shall be located behind buildings where possible.
  - (2) **Highway One Buffer.** A visual buffer shall be provided to mitigate views of parking areas from Highway One. Such buffers could include landscaping or additional commercial buildings.
  - (3) **Pedestrian Connections.** Where parking is located behind buildings, clearly delineated pedestrian connections to Main Street shall be provided.
- G. Drive-up Windows.** No new drive-up windows are allowed in the Mid-Village area. Existing drive-up windows may be relocated or reconfigured on a given site.
- H. Storage.** This standard places limitations on storage in order to visually conceal it and blend it with the surrounding physical environment. This is intended to minimize the potential for visual clutter and distraction from the buildings and surrounding landscape.
- (1) All storage shall be screened by a solid wall or fencing that matches the architectural materials and style of the building.
- I. Development on Sites with Greater than Ten Percent Slopes.** The following standards are required for development on slopes greater than ten percent in order to preserve Cambria's hillsides and pines, which are important to the visual quality of the community.
- (1) **Grading Limitations.** Grading and buildings shall be designed to follow the natural slope by orienting and aligning with the existing contours.

Chapter 7 North Coast Area Plan  
(2) Flood Protection

- (2) **Flood Protection.** Structures shall be built to existing grade, except where fill or pier supports are needed for flood protection. In this case, the amount of fill and/or the height of piers shall be the minimum needed to place the ground floor one foot above the 100-year flood stage (As required by Coastal Zone Land Use Ordinance) No fill shall be placed in a location or manner which would impair the effective 100-year flood flow capacity of Santa Rosa Creek. Fill for development along Main Street may be contoured along the Recreation/Commercial Retail boundary to provide a more attractive appearance.
- (3) **Parking and Vehicle Access.** Access roads and driveways shall be set back a minimum of 30 feet from Cambria Road. Development, including parking driveways, shall be oriented toward Main Street to the maximum extent feasible.

23. **West Village Area.** The following standards apply to the West Village shown in the Figure 7-10. The standards in this section apply to all new development in order to maintain architectural character and pedestrian orientation of the West Village.

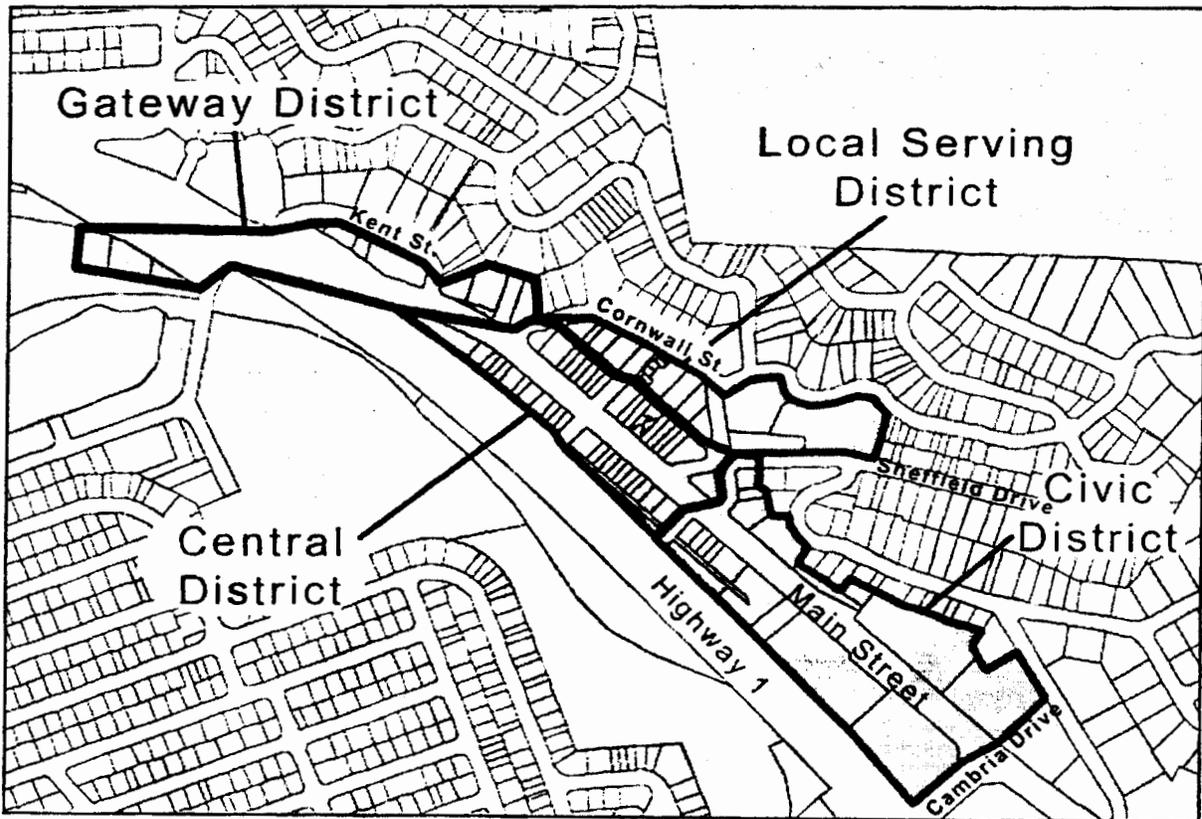


Figure 7-10: West Village Area Location Map

# Chapter 7

## Setbacks

Tract 163 (3)

Figure 7-22

- F. **Cambria Pines Estate Unit No. 1.** Minimum parcel size shall be 15,000 square feet. No additional subdivisions shall be approved in this area.
- G. **Top of the World.** (APN: #24-301-28, and 31). These two parcels shall not be further subdivided.
8. **Setbacks.** Unless specified in other Cambria Urban Area Standards, the following special setbacks apply to the respective neighborhoods shown on Figure 7-3. Where no setback is listed, setbacks shall be determined by applicable sections of Coastal Zone Land Use Ordinance.
- A. **Front and Rear Setbacks.** For all lots less than one acre in size, front and rear setbacks must total 25 feet, with a minimum of 10 feet in the front and 10 feet in the rear, except as provided below:
- (1) **Sloping Lot Adjustment for Garages.** The front setback may be adjusted for garages as allowed by Coastal Zone Land Use Ordinance Section 23.04.108a(2).
  - (2) **West side of Sherwood and Nottingham Drives.** The front setback for areas shown in Figures 7-20 and 7-21 is 5 feet.

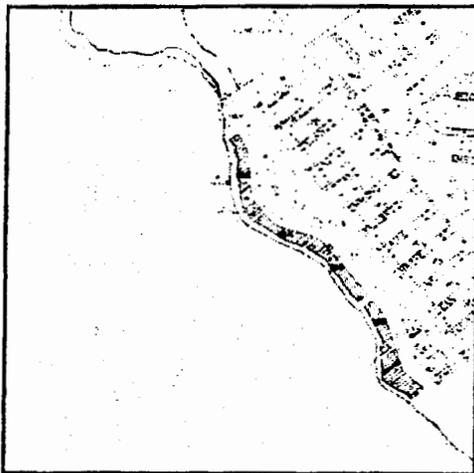


Figure 7-20: West of Sherwood Drive

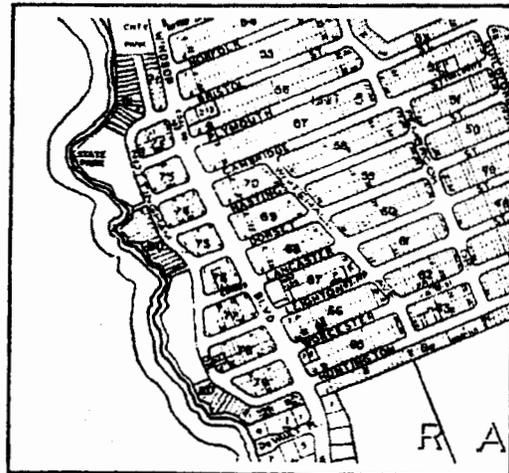


Figure 7-21: West of Nottingham Drive

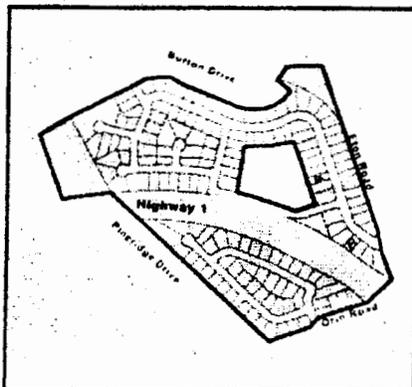
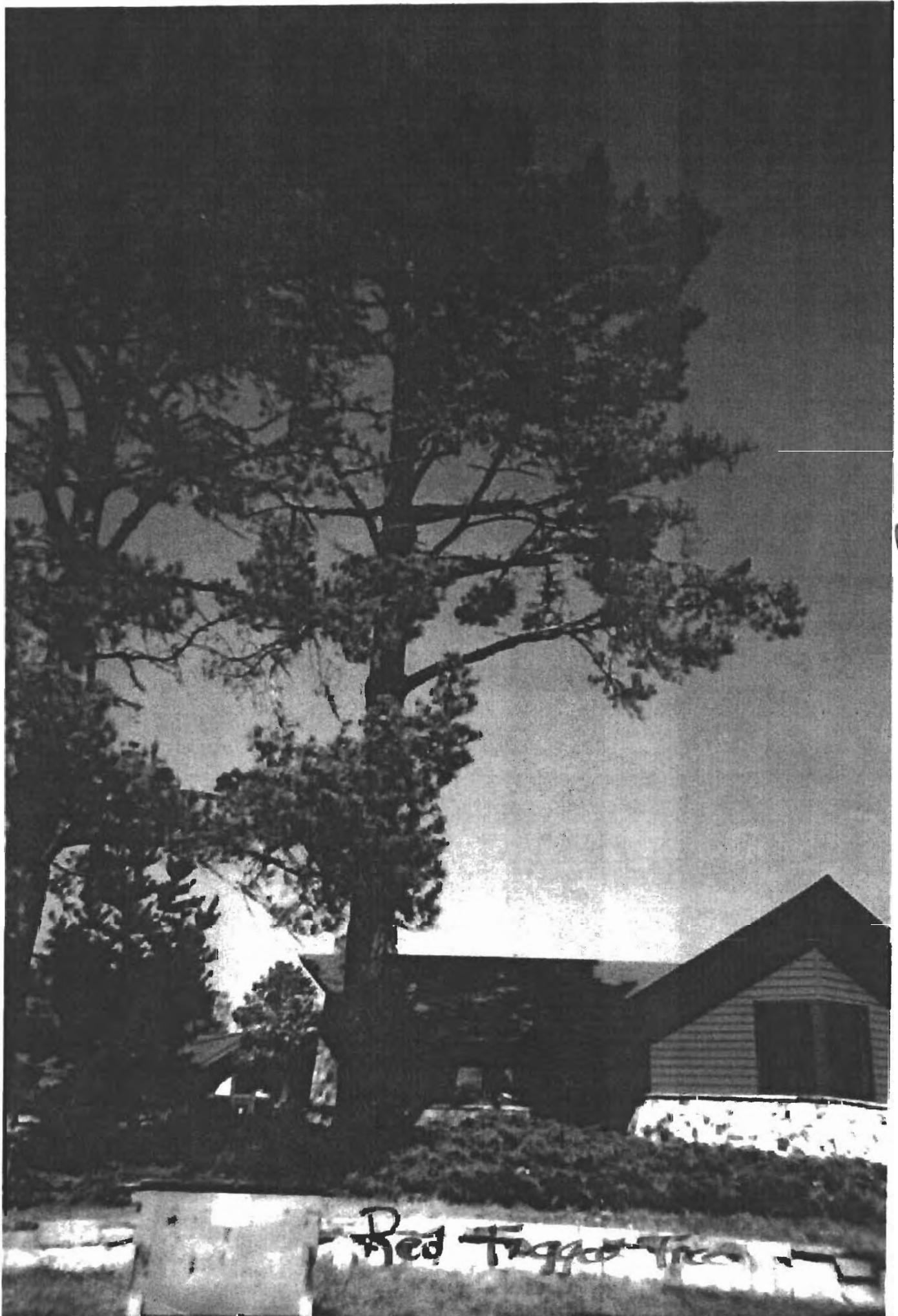


Figure 7-22: Tract 163

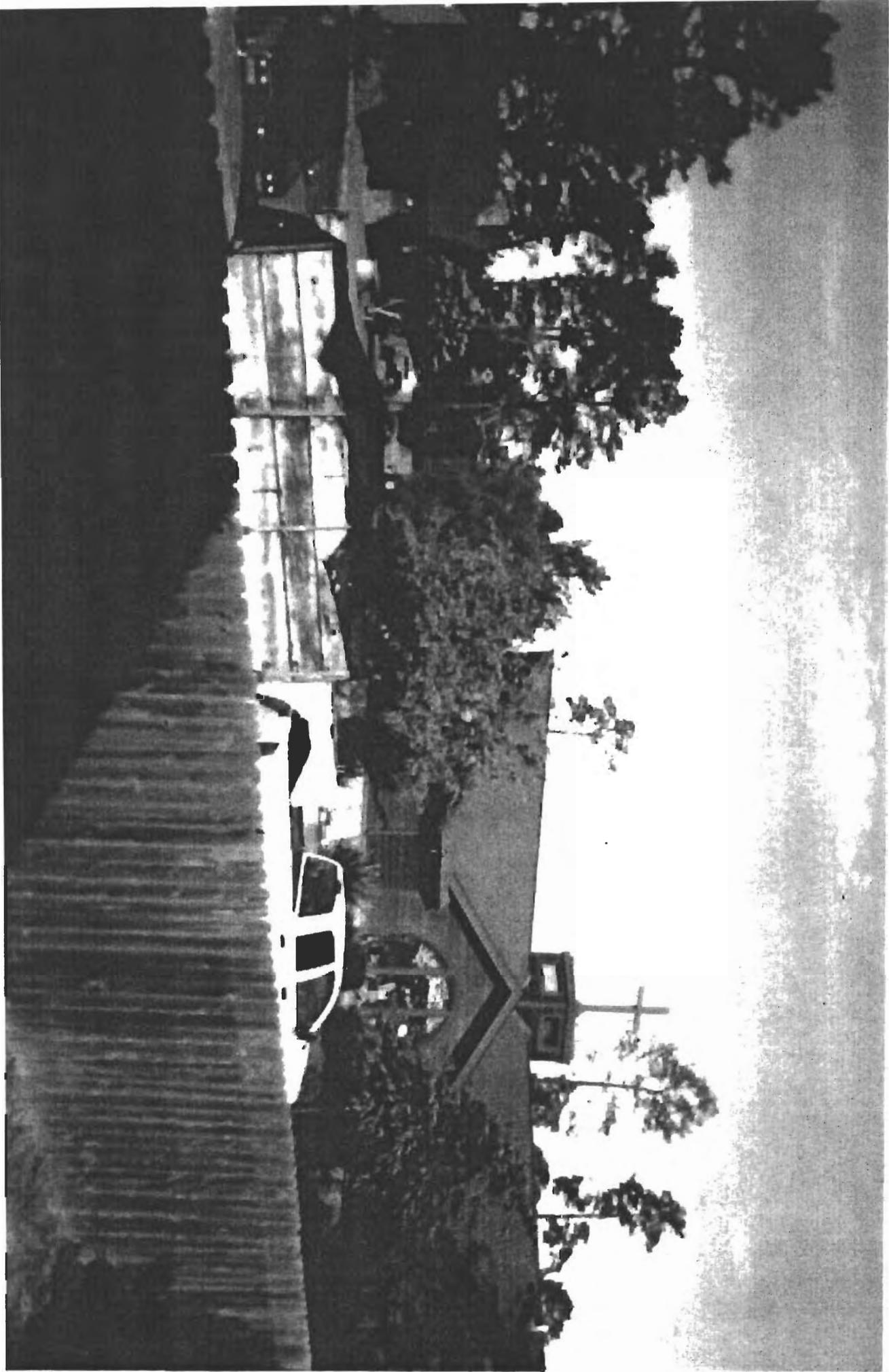
- (3) **Tract 163.** The minimum front setback for those areas shown in Figure 7-22 is 20 feet, except as follows:

- Block 3, lots 15 - 31: 10 feet
- Block 4, lots 12 - 20: 10 feet
- Block 5, lots 2 - 8: 10 feet
- Block 6, lots 7 - 11: 25 feet



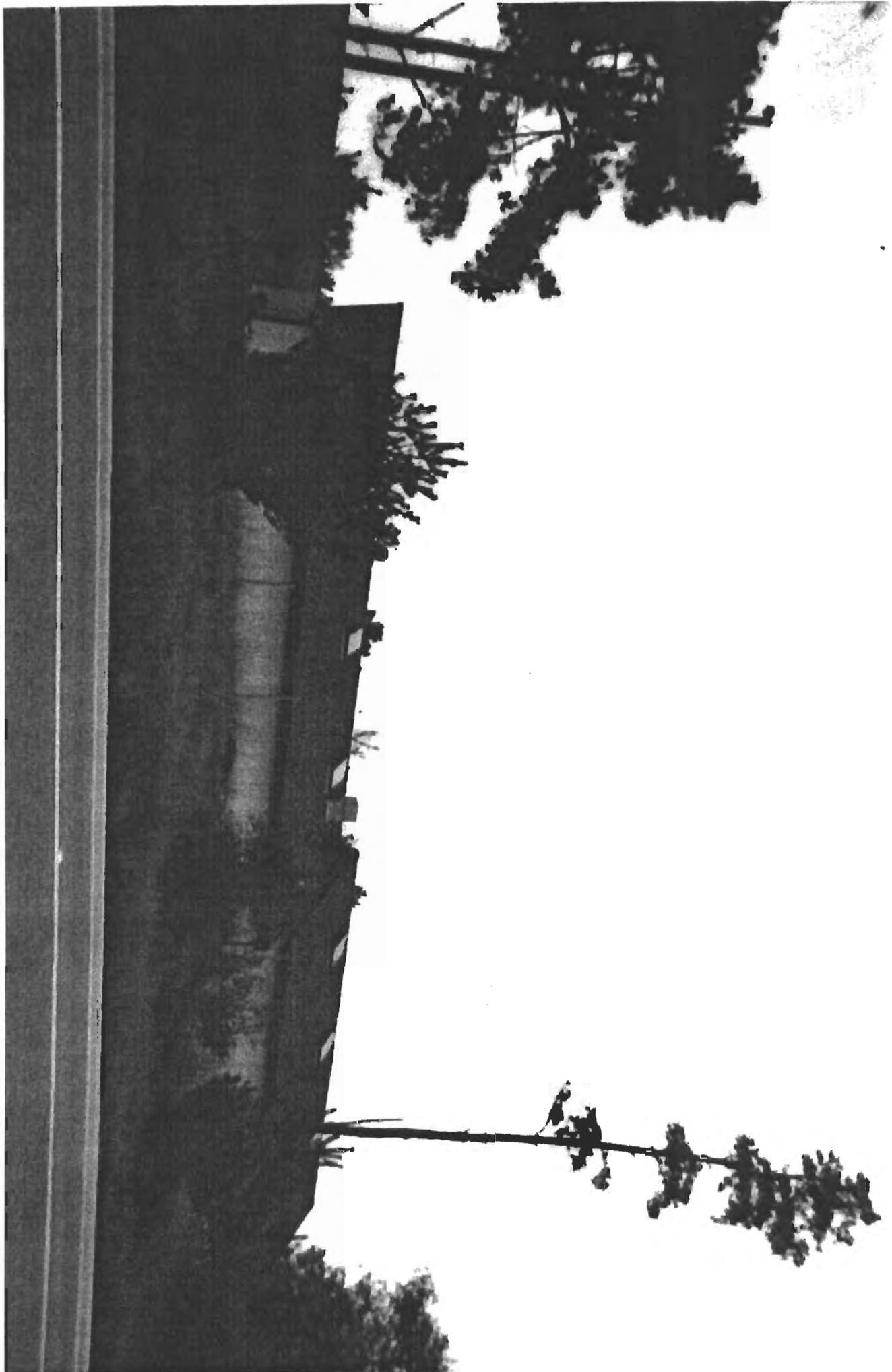
Feb 2009 Appeal 1 Red Tagged Tree

Storage Shed Disposal Feb 2009



Scenic View Highway

Feb 2009



История 2007



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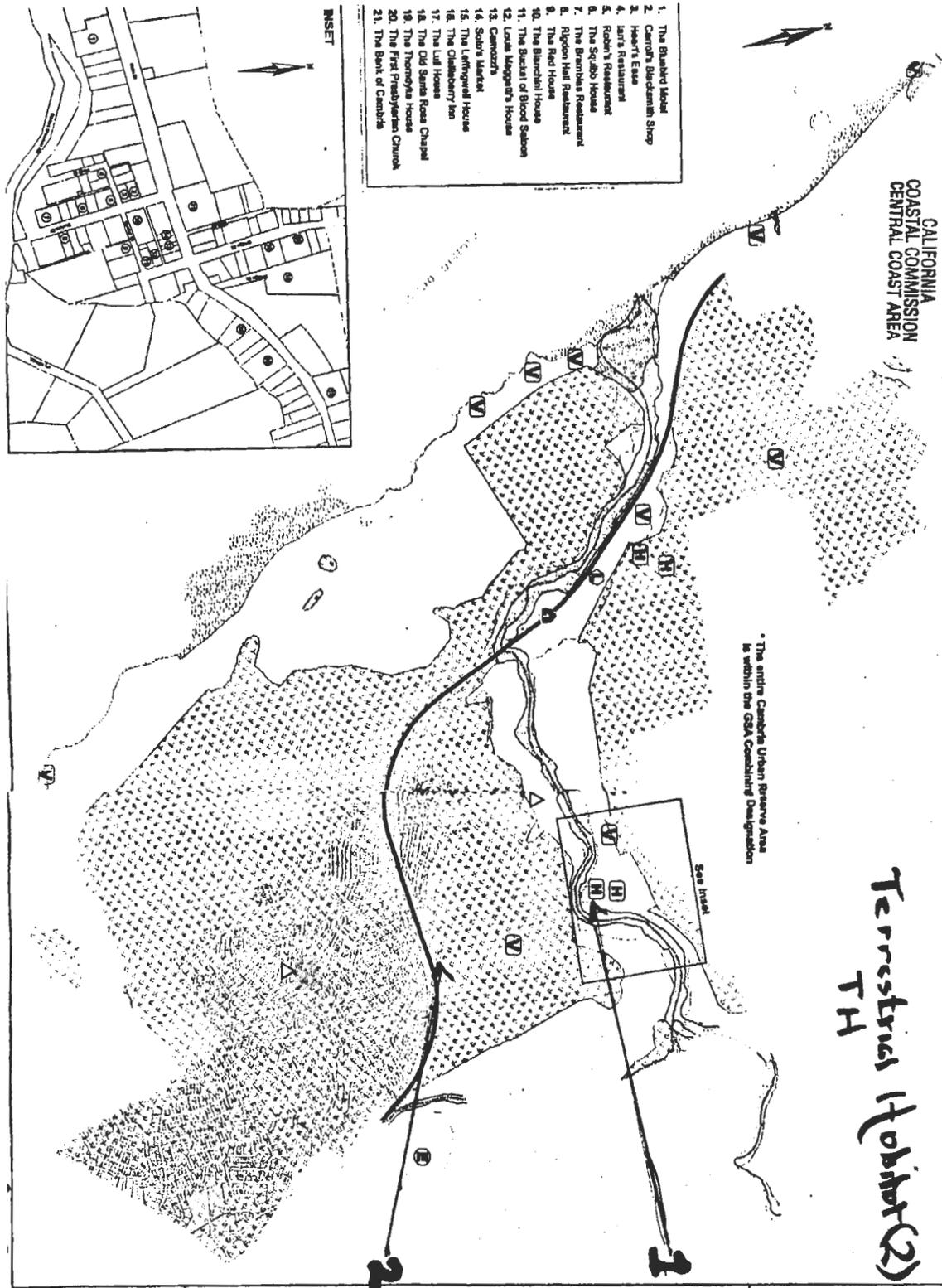
SEP 24 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

① First Presbyterian (1)

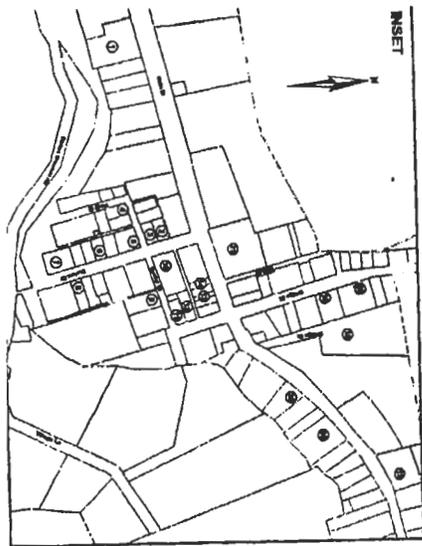
Terrestrial Habitat (2)  
TH

The entire Cambria Urban Reserve Area  
is within the GSA Combining Designation



1. The Blanked Label
2. Caron's Blacksmith Shop
3. Heart's Ease
4. Juno's Restaurant
5. Ruby's Restaurant
6. The Squid's House
7. The Bramble Restaurant
8. Rigdon Hall Restaurant
9. The Red House
10. The Blanked House
11. The Bucket of Blood Saloon
12. Louis Maggotti's House
13. Camozzi's
14. Sabo's Linnel
15. The Lighthouse House
16. The Chalmers Inn
17. The Lull House
18. The Old Santa Rosa Chapel
19. The Hornsby House
20. The First Presbyterian Church
21. The Bank of Cambria

INSET



DEPARTMENT OF PLANNING & BUILDING



0 875 1,750 3,500  
Feet

**CAMBRIA**  
COMBINING DESIGNATION MAP

**LEGEND**

**COMBINING DESIGNATIONS**

- Ⓜ H - Historic
- Ⓥ V - Visitor Serving Area
- ⓐ ASA - Archaeological Sensitive Area
- Ⓣ FH - Flood Hazard
- ⓐ GSA - Geologic Study Area\*
- ⓐ SRA - Sensitive Resource Area

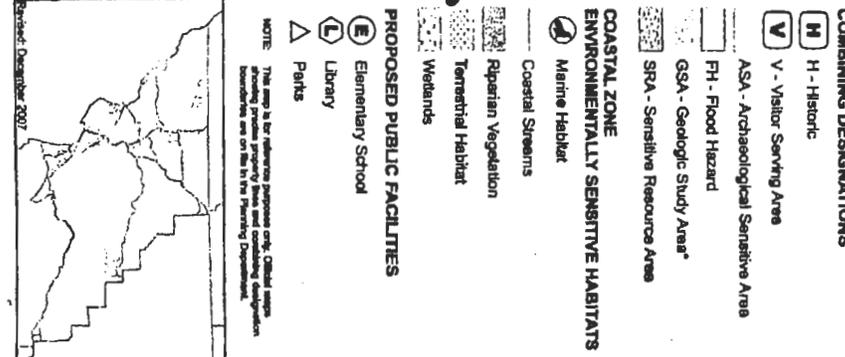
**COASTAL ZONE ENVIRONMENTALLY SENSITIVE HABITATS**

- ⓐ Marine Habitat
- ⓐ Coastal Streams
- ⓐ Riparian Vegetation
- ⓐ Terrestrial Habitat
- ⓐ Wetlands

**PROPOSED PUBLIC FACILITIES**

- ⓐ Elementary School
- ⓐ Library
- ⓐ Parks

NOTE: This map is for reference purposes only. Official maps and maps of record are on file in the Planning Department.

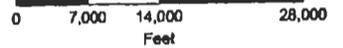


Pine View Tract 163  
163 (226)

AS Archaeological Sensitive  
TH T Trial Habitat



DEPARTMENT OF PLANNING & BUILDING



**NORTH COAST PLANNING AREA  
COMBINING DESIGNATION MAP**

**LEGEND**

**COMBINING DESIGNATIONS**

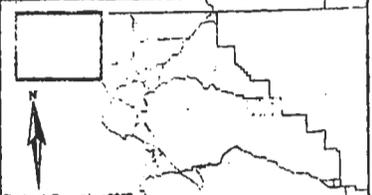
- H - Historic
- V - Visitor Serving Area
- ASA - Archaeological Sensitive Area
- AR - Airport Review Area
- EX - Extractive Area
- EX 1 - Energy Extractive Area
- FH - Flood Hazard
- GSA - Fault/Hazard-Prone
- GSA - Geologic Study Area
- SRA - Sensitive Resource Area

**ENVIRONMENTALLY SENSITIVE HABITATS**

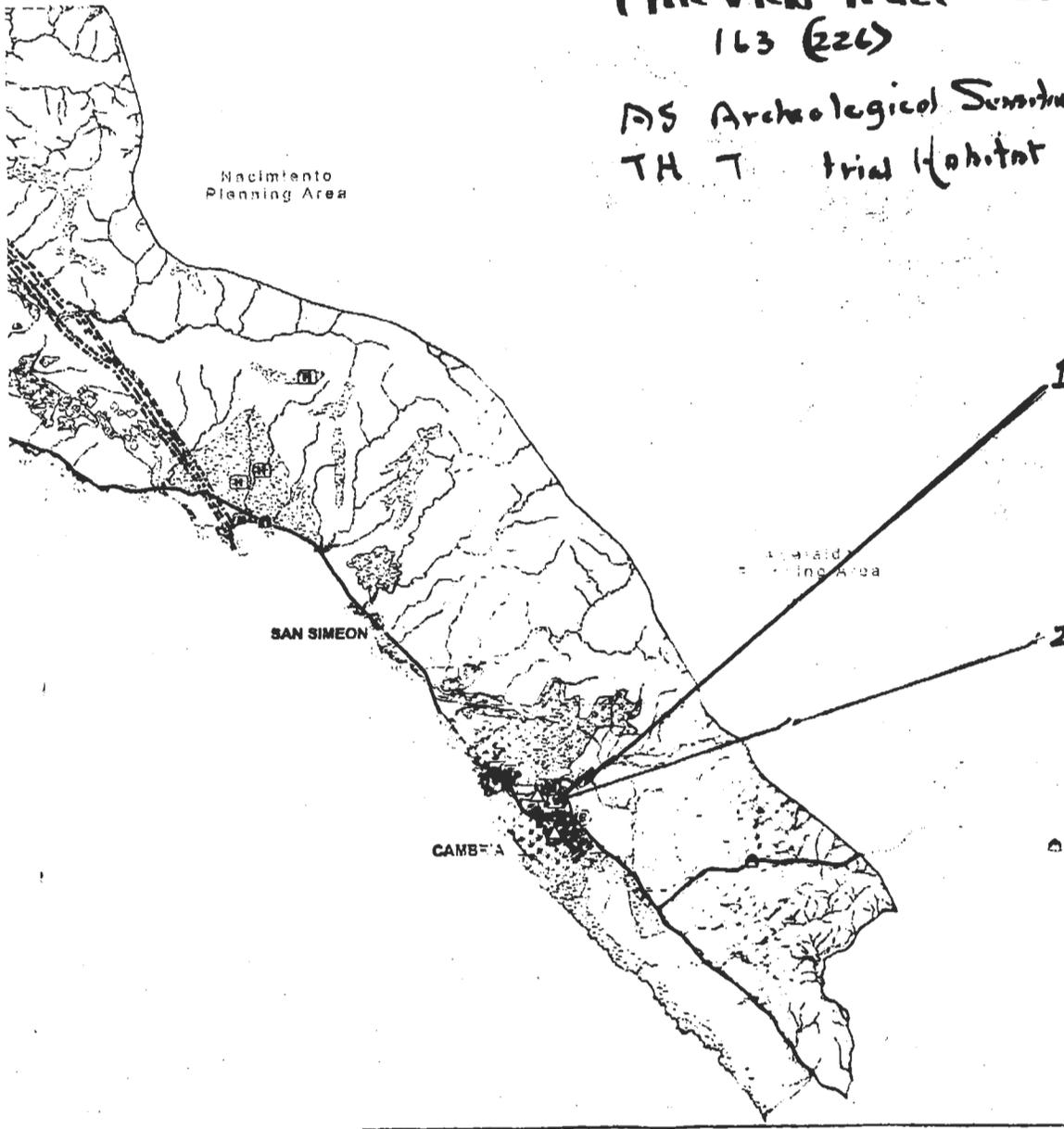
- Coastal Stream
- Marine Habitat
- Riparian Vegetation
- Terrestrial Habitat
- Wetland

**PROPOSED PUBLIC FACILITIES**

- High School
- Jr. High School
- Elementary School
- Park
- Police/Public Safety Facility
- Water Treatment Facility
- Sewage Treatment Facility
- Solid Waste Facility
- Government Facility
- Library
- Reservoir

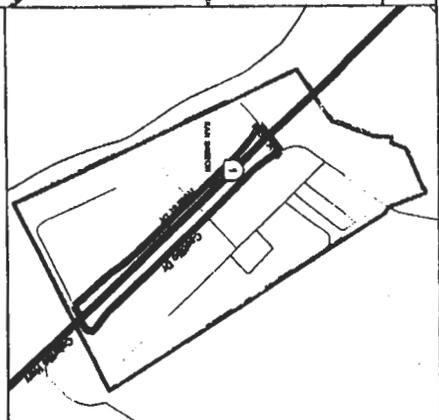
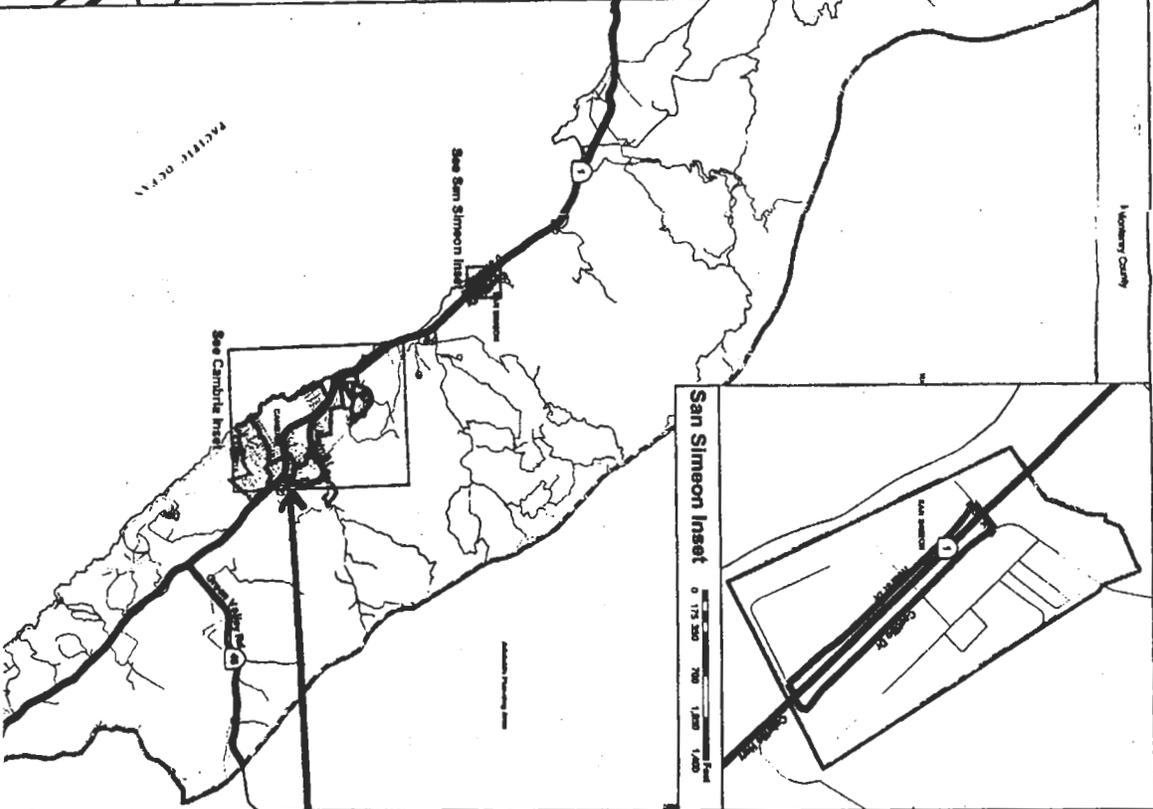
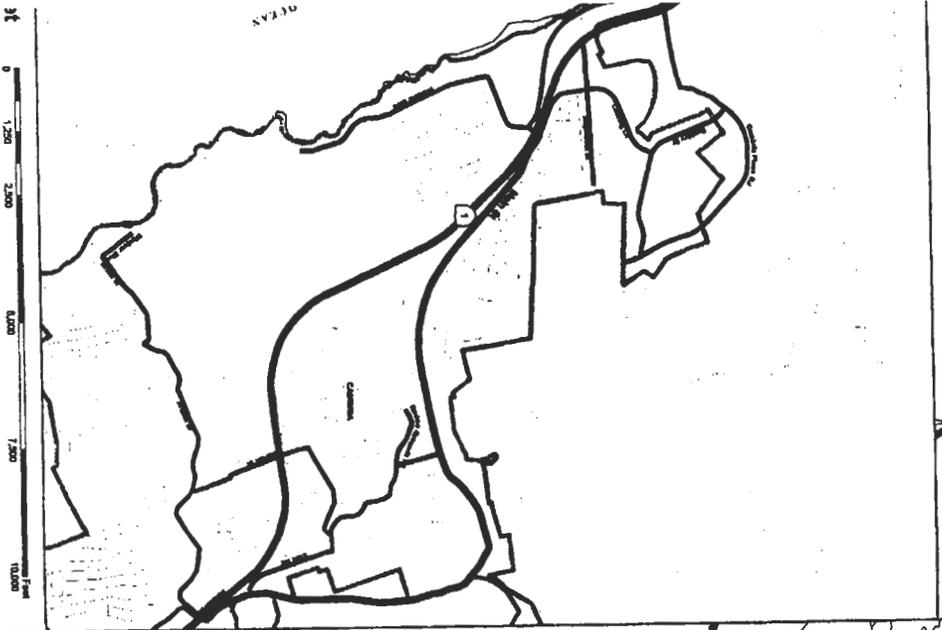


Revised: December 2007



A-3-SLG-C9-C

# Scenic Highway 1 Ocean View Shield



DEPARTMENT OF PLANNING & BUILDING



**NORTH COAST PLANNING AREA  
CIRCULATION MAP**

0 8,000 16,000 32,000  
Feet

**LEGEND**

- Major Roads
- Coastal Zone Boundary
- City Limits
- UNCL/PL

**North Coast Circulation**

Classification

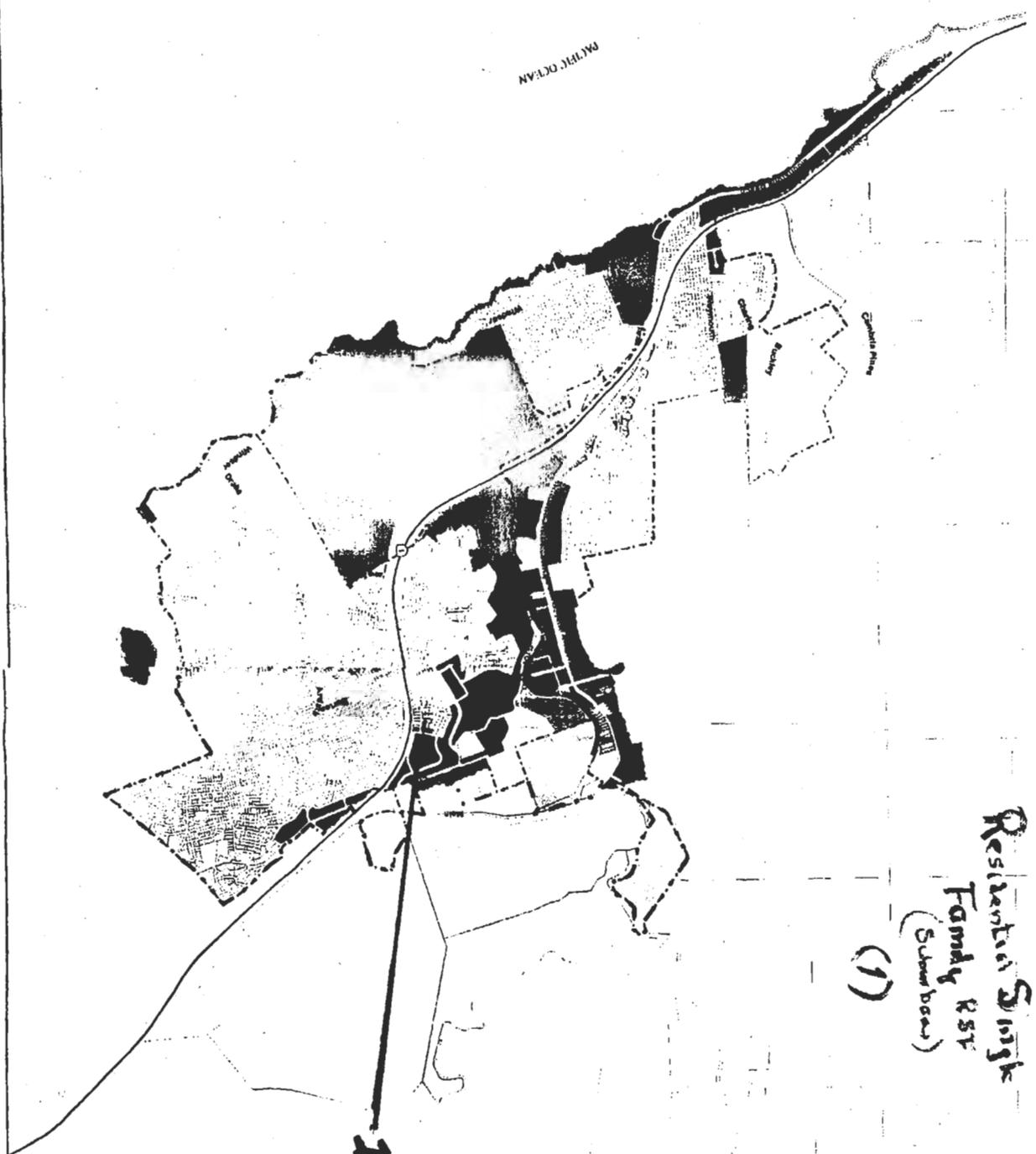
- Principal Arterials
- Arterials
- Collectors
- Access
- Business
- Center
- City
- County
- State
- National
- International
- Other
- Proposed
- Other
- Proposed

**2 Burton  
Highway 1**

**1 Scenic Highway  
State  
National**

NOTE: Designations are not shown within city corporate boundaries

A-3-SDC-G3-051



Residential Single  
 Family R5T  
 (Suburban)  
 (1)



DEPARTMENT OF PLANNING & BUILDING  
 0 1,250 2,500 5,000  
 Feet  
**CAMBRIA URBAN RESERVE LINE**  
**LAND USE CATEGORIES**

**LEGEND**

- ▬ Lake or Pond
- ▬ Central Business District
- ▬ Cambria Urban Reserve Line
- ▬ Cambria Urban Service Line
- Land Use Category**
- ▬ Agriculture
- ▬ Commercial Retail
- ▬ Commercial Service
- ▬ Industrial
- ▬ U.S. Land Use Category
- ▬ Office Professional
- ▬ Open Space
- ▬ Public Facility
- ▬ Recreation
- ▬ R-1, U-1A
- ▬ Residential Single Family
- ▬ Residential Rural
- ▬ Residential Single-Family
- ▬ Residential Single-Family



A.S. 510-09-081

*Wida*

**HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,  
LAW & COOK  
INCORPORATED**

P. O. Box 3350, Monterey, California 93942-3350  
<http://www.horanlegal.com>

LAURENCE P. HORAN  
FRANCIS P. LLOYD  
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GARY D. SCHWARTZ  
MARK A. BLUM  
MARK A. O'CONNOR  
ROBERT E. ARNOLD III  
ELIZABETH C. GIANOLA  
ANGUS L. JEFFERS  
PAMELA H. SILKWOOD  
MICHAEL P. BURNS  
AUSTIN C. BRADLEY

JAMES J. COOK  
DENNIS M. LAW

September 29, 2009

TELEPHONE: (831) 373-4131  
FROM SALINAS: (831) 757-4131  
FACSIMILE: (831) 373-8302

Our File No. 201.27

**VIA FACSIMILE & MAIL**

Mike Watson  
California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

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SEP 29 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

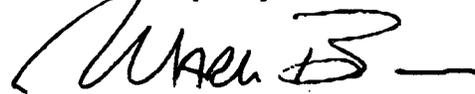
**RE: Notice of Withdrawal; 3-92-063-A-2  
Monterey Wharf Concession #9, LLC**

Dear Mr. Watson:

Please be advised that the applicant, Monterey Wharf Concession #9, LLC, hereby withdraws its application for the above amendment to CDP 3-92-063, as previously amended by Amendment 3-92-063-A-1. The City of Monterey previously approved the application on January 14, 2009 as Resolution No. 08-171 C.S.

I understand this notice will remove this item from the California Coastal Commission hearing agenda.

Yours very truly,



Mark A. Blum

MAB:mh

cc: James Gilbert  
Rick Marvin

W126

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

Name or description of project, LCP, etc.: Permit No. 3-05-065-A3 (Santa Cruz Port District, Santa Cruz County)

Date and time of receipt of communication: 9/28/09, 2:46 pm  
Materials received:

Location of communication: Board of Supervisor's Office, Santa Cruz, California

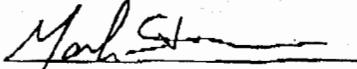
Type of communication: receipt of e-mail

Person(s) initiating communication: Roberta Haver

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

See attached e-mail.

Date: 9/30/09 Signature of Commissioner: 

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**Mark Stone**

---

**From:** Roberta Haver [rjhaver@pacbell.net]  
**Sent:** Monday, September 28, 2009 2:46 PM  
**To:** Mark Stone  
**Subject:** Letter of Support for Agenda #W12b, Santa Cruz Port District Application

September 28, 2009

Commissioner Mark Stone  
California Coastal Commission  
County Government Center  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

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SEP 30 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Subject:** Letter of Support for Agenda #W12b, Santa Cruz Port District Application

Dear Commissioner Stone:

The Arana Gulch Watershed Alliance (AGWA) urges your vote in the affirmative for the Amended five-year demonstration dredge and disposal project for up to 12,000 cubic yards of fine-grained sediment into the nearshore environment offshore Harbor Beach/Twin Lakes State Beach in October 2009 only.

We feel this demonstration project is critical to building the data base of information regarding the sediment loads of Arana Gulch and the means available to the Port District for beneficial disposal.

Thank you for your consideration. Please feel free to contact me in this matter if you have any questions.

Sincerely,

Roberta Haver, Watershed Coordinator  
AGWA  
345 Lake Avenue, Suite E  
Santa Cruz, CA 95062  
(831) 475-2379  
rjhaver@pacbell.net

9/30/2009

2 of 2

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**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 PHONE: (831) 427-4863  
 FAX: (831) 427-4877  
 WEB: WWW.COASTAL.CA.GOV

**W12b**

**Prepared October 5, 2009 (for October 7, 2009 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, District Manager *DCM*  
 Susan Craig, Coastal Planner *S. Craig*

**Subject: STAFF REPORT ADDENDUM for W12b  
 3-05-065-A3 (Santa Cruz Port District Demonstration Project)**

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, in the time since the staff report was distributed, the Port District has requested that the dredging and disposal activities for the 2009 demonstration project be allowed to take place through November 19, 2009, instead of through October 2009 only. Extending the dredging and disposal period through November 19, 2009 will allow the Port District adequate time to acquire permits from other agencies and will provide enough time to complete the proposed dredging and disposal project. Dredging and disposal activities in November 2009 would be limited to 8:00 a.m. through 5:00 p.m. Monday through Thursday only. Limiting the dredging activities to daylight hours in November will avoid impacting steelhead that begin traversing harbor waters during the nighttime hours in the month of November, and is consistent with the requirements of the National Marine Fisheries Service. To avoid impacts to public access from daytime dredge disposal activities in November, the Port District will not begin or will cease sediment disposal operations if any swimmers or surfers are located within 200 yards of either side of the offshore pipeline. The Port District will also employ a beach monitoring team to continuously monitor the beach areas between 20<sup>th</sup> Avenue and the San Lorenzo River to observe if any sediment plume reaches these beach areas, in which case the Port District would immediately cease dredge disposal operations. Accordingly, staff is recommending that the project description, a number of findings, and Special Condition 1 of the staff report be modified to reflect the new dredging and disposal time limitations and monitoring requirements for this 2009 demonstration project. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted):

Modify the Project Description on page 1:

*Project Description.... Amend five-year dredging permit to allow demonstration dredge and disposal project for up to 12,000 cubic yards of fine-grained (average of 30% sand) sediment into the nearshore environment offshore Harbor Beach/Twin Lakes State Beach in ~~October 2009 only~~ and through November 19, 2009.*

Modify paragraph 1 of the "Summary of Staff Recommendation" (page 1):

*The Santa Cruz Port District (Port District) proposes to amend coastal development permit*



**CDP Amendment Application 3-05-065-A3**  
**Santa Cruz Port District Demonstration Project**  
**Staff Report Addendum**  
**Page 2**

*(CDP) 3-05-065 to allow for the one-time dredging of up to 12,000 cubic yards of fine-grained sediment (averaging 30% sand content, with the remainder consisting of silt and clay) from the inner harbor with disposal through a pipeline into the nearshore environment on weekdays between 4:00 p.m. and 11:00 p.m. in October 2009 ~~only~~ and between 8:00 a.m. and 5:00 p.m. from Monday through Thursday in November 2009, with the project terminating on November 19, 2009. ... (remainder of paragraph unchanged)*

Modify paragraph 2 of the "Base Permit Description and Project Amendment Description" (page 7):

*The proposed amendment would further amend CDP 3-05-065 to allow a one-time demonstration disposal project to allow for the dredging of up to 12,000 cubic yards of fine-grained sediment (averaging 30% sand, with the remainder consisting of silt and clays) from the area of the inner harbor located north of the Murray Street Bridge (see Exhibit B) with disposal of the sediment through the Port District's existing pipeline into the nearshore environment offshore of Harbor Beach and Twin Lakes State Beach. The proposed dredging and disposal would take place during weekdays between the hours of 4:00 p.m. and 11:00 p.m. in October 2009 ~~only~~ and between 8:00 a.m. and 5:00 p.m. from Monday through Thursday in November 2009, with the project terminating on November 19, 2009. The Port District would limit the disposal of fine-grained sediment (less than 80% sand content, with the remainder consisting of silts and clays) to a maximum of 550 cubic yards per day. The Port District proposes an extensive monitoring program to evaluate the impacts to the beach and local benthic environment due to fine-grain sediment disposal into the nearshore environment.*

Modify the "Water Quality" finding (page 8):

**Water Quality:** *The proposed dredging and disposal project is expected to have short-term adverse impacts on water quality, including a temporary increase in turbidity and a decrease in dissolved oxygen levels. However, these impacts should be minor in magnitude and scope given that the amount of fine-grain sediment per disposal episode will be limited to no more than 550 cubic yards per day deposited into the nearshore environment in October and November when relatively more swell action and increased turbidity are expected (see Special Condition 1). Pre-dredge water conditions should recur shortly after each dredging and disposal episode. The project is conditioned to require ACOE, EPA, and Central Coast Regional Water Quality Control Board (RWQCB) review of the biological and chemical test results of the dredge material and approval by these agencies that the material is "clean" and thus suitable for unconfined aquatic disposal. As conditioned, the proposed project is consistent with Coastal Act Sections 30230 and 30231 regarding the maintenance of marine water quality.*

Modify paragraph 2 of the "Biological Resources" finding (page 8):

*That said, several endangered or threatened species historically have been found in the harbor area or just offshore (e.g., California brown pelican, steelhead trout, and tidewater goby). The*



*underwater disposal of dredge material is not expected to affect the state and federally listed California brown pelican; in October ~~the~~ dredging activities will occur outside the upstream/downstream migration seasons of the threatened steelhead trout; in November the dredging will be limited to daylight hours to avoid impacting steelhead that begin moving through harbor waters in the evening hours of November; and the endangered tidewater goby has not been seen in many years and apparently no longer inhabits the watershed area adjacent to the Harbor. Thus, the proposed project is not expected to impact sensitive species. In addition, the project is conditioned to require Sanctuary and other agency approval before the proposed dredging and disposal may commence (see Special Condition 3). As conditioned, the project is consistent with Sections 30230 and 30231 of the Coastal Act regarding protection of species of special importance and maintenance of the biological productivity of coastal waters.*

Modify the "Public Recreational Access" finding (page 9):

**Public Recreational Access:** *The proposed project has both benefits and impacts to public recreational access. The proposed dredging project will strongly benefit public access and recreation by maintaining adequate water depths for berths in the inner Harbor. In addition, 3,600 cubic yards of the proposed dredge material is composed of sand, which will help replenish local beaches. However, placing such material in the nearshore environment at a popular beach and offshore recreational area will be expected to degrade recreational use values during those times. The project has been designed to avoid high recreational use times as much as possible to limit such impacts. Specifically, dredging and disposal activities would take place between 4:00 p.m. and 10:00 p.m. on weekdays in October 2009 ~~(only)~~ to limit potential beach access impacts due to the project. In November 2009 the dredging and disposal activities would take place during daylight hours between Monday and Thursday, but the Port District will not begin or will cease sediment disposal operations if any swimmers or surfers are located within 200 yards of either side of the offshore pipeline. Also, the project includes quantitative (beach grain size measurements) and qualitative (visual observations and photographs) beach monitoring during the dredging and disposal operations to help identify any impacts to recreational access due to the project. Thus, there is clearly some give and take with respect to access. On the whole, though, the project should result in recreational access enhancement, and information gleaned from the proposed monitoring should help guide upcoming long-term dredging decisions next year when the Port District's five-year CDP will be up for renewal. In short, as conditioned, the proposed project can be found consistent with the public access and recreational policies of the Coastal Act.*

Modify Special Condition 1 (page 10):

**1. Scope of Permit Amendment 3-05-065-A3.** *This permit amendment authorizes the dredging and disposal of up to 12,000 cubic yards of inner harbor fine-grained sediment (30% average sand content) into the nearshore environment offshore Harbor Beach/Twin Lakes State Beach in*



**CDP Amendment Application 3-05-065-A3**  
**Santa Cruz Port District Demonstration Project**  
**Staff Report Addendum**  
**Page 4**

*October 2009 ~~only~~ and through November 19, 2009. In October 2009, ~~D~~disposal of the sediment into the nearshore environment shall be limited to between the hours of 4:00 p.m. and 11:00 p.m. on weekdays only. In November 2009, the disposal of the sediment into the nearshore environment shall be limited to between the hours of 8:00 a.m. and 5:00 p.m. Monday through Thursday. ~~and~~ In both October 2009 and November 2009, sediment disposal shall not exceed a maximum of 550 cubic yards of fine-grained sediment per day.*



**RECEIVED**

W12C

SEP 30 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

Name or description of project, LCP, etc.: Permit No. A-3-CAP-99-023-A1  
(Swan and Green Valley Corporation, Capitola)

Date and time of receipt of communication: 9/30/09, 1:00 pm

Location of communication: Board of Supervisor's Office, Santa Cruz, California

Type of communication: In-person meeting

Person(s) initiating communication: Sarah Corbin  
Grant Weseman

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

Sarah and Grant were here representing ORCA. They represent a number of environmental organizations. They raised concerns about the effect of allowing armoring on property after the owners had agreed to waive any future armoring. They question staff's recommendation that the fix of the sea cave must be partially on the Green Valley property and not just on the Swan property. Grant took a number of pictures that showed the cave and he remarked that it is not that large of a cave at this point. They feel that there are two issues, technical and policy. Technically, they are seeking an independent opinion questioning whether the fill needs to be extended off of the Sean property. From a policy standpoint, they feel that allowing any part of a sea wall on the Green Valley Property will erode the Commissions ability to enforce the prohibition in this case and in future cases. A property that has the right to armor also has no guarantee that the armoring will work.

Date: 9/30/09 Signature of Commissioner: *Mark Stone*

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the

completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

EX PARTE COMMUNICATIONS

---

**Name of project:** A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola)  
**Date/ time of communication:** September 29, 2009 at 9:00 am  
**Location of communication:** Phone  
**Type of communication:** Conference Call  
**Person in attendance:** Susan McCabe  
**Person receiving communication:** Steve Blank

**Detailed substantive description of the content of communication:**  
Susan McCabe provided an update on the seawall project.

A notch undercut has formed behind and adjacent to the upcoast end of the existing Swan seawall. On-going erosion is threatening the Swan residence. The applicants originally proposed to address the issue by constructing a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend across the Green Valley property to the upcoast headland.

Instead, staff is recommending approval of a limited sea cave fill with erodible concrete. The applicants are willing to accept staff's alternative seawall concept and are in agreement with the staff recommendation.

**Date:** Tuesday, September 29, 2009

**Signature of Commissioner:** 

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SEP 30 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

*W12c*

WEDNESDAY, ITEM 12C

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

**Name or description of project:**

Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola) Request by Richard and Nancy Swan and the Green Valley Corporation to amend permit to eliminate the existing condition prohibiting future shoreline armoring (that applies to the Green Valley Corporation property) and to construct an approximately 115-foot section of contoured concrete seawall fronting that Green Valley Corporation property and adjacent to existing seawall on adjacent property (on the Swan property) on beach and bluffs fronting 4840 and 4850 Cliff Drive in Capitola, Santa Cruz County.

**Date and time of receipt of communication:**

September 24, 2009 at 1:15 pm

**Location of communication:**

La Jolla

**Type of communication:**

In person meeting

**Person(s) in attendance at time of communication:**

Susan McCabe, Jesse Nickell (telephone)

**Person(s) receiving communication:**

Pat Kruer

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CENTRAL COAST AREA

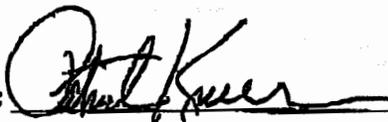
**Detailed substantive description of the content of communication:**

(Attach a copy of the complete text of any written material received.)

I received a briefing from the Green Valley Corporation's representatives in which they provided an update on the proposed seawall project. As previously described, a notch undercut has formed behind and adjacent to the upcoast end of the existing Swan seawall. On-going erosion is threatening the Swan residence. The applicants originally proposed to address the issue by constructing a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend across the Green Valley property to the upcoast headland. Instead, staff is recommending approval of a limited sea cave fill with erodible concrete. When I asked if the sea cave fill would require any type of structural foundation system, Mr. Nickell assured me that the fill would be limited to the placement of erodible concrete within the interior cavity of the cave and no footings are proposed. The applicants are willing to accept staff's alternative seawall concept and are in agreement with the staff recommendation.

Date: *9/28/09*

Signature of Commissioner:



**RECEIVED**

W12c

SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

**RECEIVED**  
SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION

Name or description of project, LCP, etc.:

Permit No. A-3-CAP-99-025  
(Swan and Green Valley  
Corporation, Capitola)

Date and time of receipt of communication:

9/28/09, 10:00 am

Location of communication:

Board of Supervisor's Chambers,  
Santa Cruz, California

Type of communication:

In-person Meeting

Person(s) initiating communication:

Susan McCabe  
Jesse Nickell

Person(s) receiving communication:

Mark Stone

Detailed substantive description of content of communication:

(Attach a copy of the complete text of any written material received.)

Ms. McCabe and Mr. Nickell, as representatives for the applicants, gave a brief history of the seawall project, describing the formation of the sea cave and the implications on each of the subject properties of the staff recommendation. They said that the erosion threatens the Swan property and reiterated that the Green Valley property waived any right to a seawall. They explained that the original proposal included a seawall extending upcoast along the Green Valley property to tie into bedrock. Staff recommended using erodable concrete instead to fill the sea cave with a patch that would extend 15 feet onto the Green Valley property. They agreed that as the cliff on the Green Valley property will continue to erode naturally, any future patching of the sea cave and any further repair could take place on the Swan property only. The currently proposed patch would not need any repair on the Green Valley property. The applicants are in agreement with the staff's recommendation.

Date: 9/28/09

Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

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completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

WJWC

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: Swan and Green Valley corporation

Time/Date of communication: 9/14/09, 10am

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Mark Massara

Person(s) receiving communication: Sara Wan

Type of communication: phone call

Mark called to say he had listened to the tape of the hearing on this issue and could not believe what he had heard from Peter. His position is totally contrary to what the commission has been doing over the past decade. That there had been considerable discussion about this and this was the best way to enforce the coastal Act. What Peter was stating, aside from being wrong about the courts, would result in armoring the entire coast.

He thought that not only should we be obtaining and enforcing the waivers but we should be prohibiting the continuance of a seawall once the "economic life" of a property has been reached.



---

Sara J. Wan, Date: 9/16, 2009

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

W12c

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

Name or description of the project:: W12a- Swan and Green Valley  
 Time/Date of communication: 9/22/09, 2pm  
 Location of communication: 22350 Carbon Mesa Rd, Malibu  
 Person(s) initiating communication: Gary Patton  
 Person(s) receiving communication: Sara Wan  
 Type of communication: phone call

Called to discuss the issue which he said was receiving a great deal of attention. He was aware of it from the enviro side but supposed it was also being addressed from the pro property rights side as well. We discussed the policy implications and he said he did not agree with Peter and was concerned that he would take such a position. This state has a vital interest to protect in its coast and beaches and undermining the ability of the commission to protect the coast from armoring was alarming.

Date: 9/23/09



Commissioner's Signature

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SEP 28 2009

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

W12C

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project:: W12a- Swan and Green Valley  
 Time/Date of communication: 9/20/09, 7pm  
 Location of communication: 22350 Carbon Mesa Rd, Malibu  
 Person(s) initiating communication: Lennie Roberts  
 Person(s) receiving communication: Sara Wan  
 Type of communication: phone call

Called to say she had watched the hearing on-line and were dismayed by Peter's statements. Clearly the commission had the ability to implement Section 30253 and the best way to do this was through a waiver. We discussed the precedentila nature of this and the signal it sent ot people about their waiver. That without a waiver there was not way to protect the coast and it would eventually be completely armored. She questioned why there was a need to do anything on the Green Valley property. The sea cave appeared to be on the Swan property and have been caused by their seawall. Regardless of whether or not some of the sea cave was on the Breen Valley property that should not be a basis for removal of the waiver, in whole or in part.

Date: 9/23/09



\_\_\_\_\_  
Commissioner's Signature

**RECEIVED**

SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

W12c

FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS

Name or description of the project:: W12a- Swan and Green Valley

Time/Date of communication: 9/21/09, 2pm

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Sarah Corbin and Chad Nelsen

Person(s) receiving communication: Sara Wan

Type of communication: phone call

Called to discuss the broad ranging implications of this issue on the commission's ability to deal with sea walls and prevent the coast from being armored. Said they had watched the hearing on-line and were dismayed by Peter's statements. Clearly the commission had the ability to implement Section 30253 and the best way to do this was through a waiver. They believed that this has gone to court and been up held. I said I didn't seen how it wouldn't be upheld. They received the benefit of the permit. Had they not signed the waiver the decision on their permit might have been very different. They questioned why there was a need to do anything on the Green Valley property. The sea cave appeared to be on the Swan property and have been caused by their seawall. Perhaps the answer is to have the seawall taken down all together

Date: 9/ 23/09

**RECEIVED**

SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



\_\_\_\_\_  
Commissioner's Signature

W12c

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project:: W12a- Swan and Green Valley  
Time/Date of communication: 9/21/09, 5 pm  
Location of communication: 22350 Carbon Mesa Rd, Malibu  
Person(s) initiating communication: Patricia Matejcek  
Person(s) receiving communication: Sara Wan  
Type of communication: phone call

Called to discuss the issue. Said she had had lots of discussions in regards to this with Sarah Corbin prior to the hearing and she was not as up as Sarah on the policy implications of this. She said that the owner of the Green Valley property (I can't remember the name) was a prominent contractor/developer in the Santa Cruz/ San Jose area. That most of the rest of the area was already armored. She was concerned with the appearance with regards to this being the last site in that location that was unarmored but she was also very concerned about the precedent it would set. We discussed this aspect of it and the fact that what happened here was not just a simple issue of this property but would set the basis for how the commission dealt with all armoring of the entire coast of California. We discussed that particularly since he was a developer he had to have known what all this meant when he signed the waiver. We talked about the policies of the Coastal Act, how 30253 said no seawalls but that 30235 said a seawall should be allowed for existing development and that the only way to prevent the armoring of the coast was to have such a waiver.

Date: 9/ 23/09

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SEP 28 2009

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CENTRAL COAST AREA



\_\_\_\_\_  
Commissioner's Signature

W12c

WEDNESDAY, ITEM 20A

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola). Request by Richard and Nancy Swan and the Green Valley Corporation to amend permit to eliminate the existing condition prohibiting future shoreline armoring (that applies to the Green Valley Corporation property) and to construct approximately 115-ft. section of contoured concrete seawall fronting that Green Valley Corporation property and adjacent to existing seawall on adjacent property (on the Swan property) on beach and bluffs fronting 4840 and 4850 Cliff Drive in Capitola, Santa Cruz County.

Date and time of receipt of communication:

September 6, 2009 at 9:00 am

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe

Person(s) receiving communication:

Jim Wickett

Detailed substantive description of the content of communication:

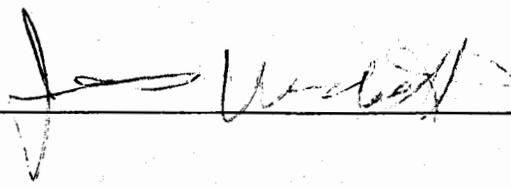
(Attach a copy of the complete text of any written material received.)

I received a briefing from the Green Valley Corporation's representative in which she explained the history of the subject site and described the proposed seawall project. As described, a notch undercut has formed behind and adjacent to the upcoast end of the existing Swan seawall. On-going erosion is threatening the Swan residence. The applicants originally proposed to address the issue by constructing a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend across the Green Valley property to the upcoast headland. Instead, staff is recommending approval of a limited sea cave fill with erodible concrete. The applicants are willing to accept staff's alternative seawall concept and are in agreement with the staff recommendation.

Date:

9/9/09

Signature of Commissioner:



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COASTAL COMMISSION  
CENTRAL COAST AREA

W12C

WEDNESDAY, ITEM 20A

DISCLOSURE OF EX PARTE COMMUNICATIONS

**Name or description of project:**

206

Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola). Request by Richard and Nancy Swan and the Green Valley Corporation to amend permit to eliminate the existing condition prohibiting future shoreline armoring (that applies to the Green Valley Corporation property) and to construct approximately 115-ft. section of contoured concrete seawall fronting that Green Valley Corporation property and adjacent to existing seawall on adjacent property (on the Swan property) on beach and bluffs fronting 4840 and 4850 Cliff Drive in Capitola, Santa Cruz County.

**Date and time of receipt of communication:**

September 8, 2009 at 7:00 pm

**Location of communication:**

Eureka

**Type of communication:**

In person

**Person(s) in attendance at time of communication:**

Susan McCabe

**Person(s) receiving communication:**

Adi Liberman

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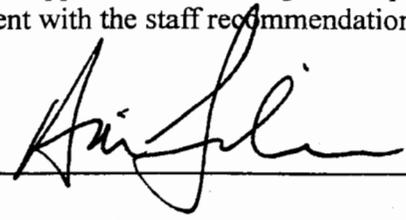
**Detailed substantive description of the content of communication:**

(Attach a copy of the complete text of any written material received.)

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**Date:**

Signature of Commissioner:



WIC OKCA

SWAN/Green Valley

### EX PARTE COMMUNICATIONS

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**Name of project:** Items 20(a); 23; 24(a); and 38(a) on the Sept. 9, 2009 Agenda

**Date and time of receipt of communication:** September 2, 2009

**Location and Type of communication:** Santa Clara – Telephone Call

**Person(s) in communication:** Lennie Roberts, Mike Ferreira

**Person(s) receiving communication:** Jim Wickett

**Detailed substantive description of the content of communication:**

Ms. Roberts and Mr. Ferreira of San Mateo ORCA called to tell me their opinions on certain items that are scheduled to appear on the September 9, 2009 Agenda. Specific comments follow:

Item 20(a): Although they did not express a specific opinion on filling in the sea cave, they are opposed to building a new sea wall.

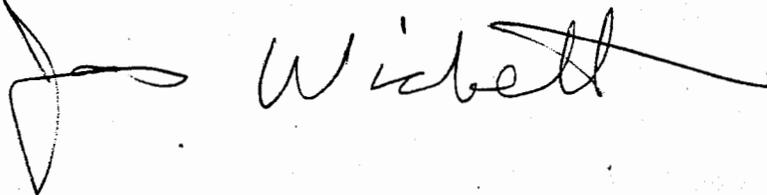
Item 23: Although they said that they would likely comment on this item if it comes up in the future, they reserved comment until then.

Item 24(a): They support the Staff Recommendation and encouraged me to look carefully at the Staff Report.

Item 38(a): They expressed support in favor of the Staff Report.

**Date:** September 2, 2009

**Signature of Commissioner:**



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**Liz Fuchs**

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**From:** Don Wood [dwood8@cox.net]  
**Sent:** Saturday, October 03, 2009 10:25 PM  
**To:** Liz Fuchs  
**Subject:** FW: Comments on the 9/24/09 California Coastal Commission Staff Report on the Local Government LCP Planning Workshop of August 12, 2009

Don Wood  
4539 Lee Avenue  
La Mesa, California 91941

October 3, 2009

W13

California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

**Subject: Comments on the California Coastal Commission Staff Report on the Local Government LCP Workshop of August 12, 2009**

Coastal Commissioners:

I would like to thank the Coastal Commission and your staff for the opportunity to comment on your staff's September 24, 2009 report and recommendations on ways to improve the Commission's Local Government Local Coastal Permit (LCP) Planning Process.

The bulk of my experience working with the Commission has been related to coastal planning processes undertaken by the City of San Diego (City) and the San Diego Unified Port Commission (Port). I have more than 30 years experience working on downtown waterfront planning issues that fall under your Commission's jurisdiction.

While I am active with various urban coastal planning organizations including the Sierra Club, the Planning and Conservation League, and the regional Bayfront Complex Coalition, these comments are my personal observations and recommendations based on my local experience.

I strongly agree with staff's recommendations regarding the need for enhanced early and regular coordination between the Commission staff, local government agencies like the City and the Port, and the public to ensure that all parties understand what is being planned for our coastal assets. This coordination must not only involve the Commission, local agencies like the Port and the public, it must also include better communications and coordination with adjoining agencies with overlapping jurisdiction.

For example, San Diego's downtown waterfront is subject to oversight by multiple jurisdictions, including your Commission, the California State Lands Commission, the U.S. Navy, the Port, the City, the Centre City Development Corporation and the County of San Diego.

With so many different jurisdictions putting together their own plans for our

bayfront, often with minimum or no communications with each other, bad things have happened.

I strongly urge the Commission to review and update your permit planning rules and procedures covering situations like this where multiple agencies, some of which have in the past tried to ignore or undermine your Commission's oversight of our downtown bayfront.

In the past, Port commissioners and staff have told me personally that the last thing they want to do is take any proposed new projects or changes in the Port Master Plan back to your Commission for review, and in the past Port staff have taken actions designed to cut your Commission out of the Port's planning process, sometimes in violation of the California Coastal Act and the California Environmental Quality Act (CEQA), in my opinion.

In addition, the Port has historically ignored clear directives from your Commission. One example was when your Commission approved moving the naval aircraft carrier Midway to our downtown waterfront. Your approval specifically called on the Port to fully resolve the issue of building a public memorial park on Navy Pier PRIOR to the Port taking title of the pier from the U.S. Navy. The title transfer was made several years ago, yet today Port staff asserts that no plans have been made for building a public park or anything else on Navy Pier.

I strongly recommend that your Commission, when reviewing and approving any new Port projects or Port Master Plan amendments, clearly include specific sanctions that will be taken against the Port District for failing or refusing to adhere to the conditions adopted by the Commission as part of any project or master plan amendments. The Port should no longer be allowed to ignore specific directions from your Commission without any consequences.

As part of following up on staff's recommendations for more transparency to the Commission's LCP planning process, I suggest that the Commission consider developing a project and LCP amendment proposal electronic clearing house. Currently your staff sends out very brief notices of upcoming Commission consideration of proposed changes in the City's LCP. The changes being proposed are often condensed to one sentence or paragraph, making it difficult for readers to fully understand what the consequences of the proposed LCP changes may be.

In future, I recommend that your staff e-mail out more detailed notices to parties on your current mailing lists, outlining not only the LCP (or Port Master Plan) amendments being proposed but also staff's views of what the probable outcome of those changes may be in terms of what may be built on the coast. Greater use of available low cost internet based communications like this would help offset your current budget and staffing constraints while making your local planning process more transparent to more members of the public.

In its report, your staff mentions the idea of joint tours where members of your Commission and/or staff would tour local projects being proposed by the City or the Port. While I support such a "boots on the ground" approach, I ask that such joint tours be publicly noticed well before the tours are held, inviting other interested parties to go along on the tour and share their views with your members, staff and the project sponsors.

I support staff's recommendations related to holding more public

pre-application meetings, to better alert the public and adjoining jurisdictions to proposed plan amendments and modifications.

Better yet, in situations like San Diego's, where an urban waterfront falls under the jurisdiction of several agencies, your Commission should encourage and mandate that the different jurisdictions sit down with the public and develop joint bayfront precise plans, which detail what is planned for each block along the bayfront.

Development of such joint bayfront precise plans could avoid major planning and policy train wrecks like the one we are currently experiencing on our waterfront.

In this case, your Commission approved the Port's Master Plan years ago, including redevelopment of the B St. Pier cruise ship terminal, construction of a large oval public Broadway Landing Park at the foot of Broadway, and future use of the Broadway Pier as an open public community gathering space in the heart of downtown.

The approved Port Master Plan indicated that only on rare occasions, the public Broadway Pier might be used to temporarily tie up overflow cruise ship traffic that could not be accommodated at the redeveloped B St. Pier.

Surrounding jurisdictions, including the City, CCDC and the Navy all assumed that the Port Master Plan would be implemented as approved, and each included assumptions dependent the construction of the promised Broadway Landing Park and the Broadway Pier remaining public community space in their own plans, including the latest adopted City of San Diego Downtown Community Plan Update.

But the Port undercut all those planning efforts when it quietly negotiated a side deal with Carnival Cruise Lines in 2007 calling for the elimination of the promised Broadway Landing Park and the construction of a permanent cruise ship terminal on Broadway Pier.

The Port staff failed to adhere to your Commission's own rules regarding Port Master Plan amendments, and refused to conduct an Environmental Impact Review of the proposed changes as required by CEQA. Instead Port staff drafted up a far less detailed Initial Study of the proposed changes, then ignored comments filed by concerned parties regarding the impacts such a change would have on our bayfront.

The Port staff also took advantage of your Commission's current staffing constraints by presenting this major change to the Port Master Plan as a "de Minimus" amendment, in a manner clearly designed to glossed over all the significant negative impacts such a change would entail and the negative impacts that the construction of a permanent cruise ship terminal on Broadway Pier, with its attendant truck traffic and homeland security requirements would have on our downtown waterfront.

While pursuing an unauthorized cruise ship terminal on Broadway Pier, Port staff has indicated that the expenditure of resources needed for the construction of the proposed Broadway Pier cruise ship terminal will significantly delay the approved redevelopment of the B Street Pier cruise ship terminal. So the Port would end up building a new terminal where your Commission did not authorize it to while failing to rebuild the existing terminal as approved in the adopted Port Master Plan.

In fact, as pointed out by your own staff recently, construction of a Broadway Pier cruise ship terminal would require tearing out the heart of the proposed Broadway Landing Park, since numerous large diesel trucks serving the terminal would drive through the middle of the planned park site every day.

If your Commission is really serious about improving your local coastal permit planning process and opening up said planning process to more input from the public, I strongly recommend that you: 1) rescind your recent approval of a "de Minimus" Port Master Plan amendment that would allow construction of the proposed Broadway Pier cruise ship terminal, and 2) hold any approval of that project in abeyance until a full Environmental Impact Review of proposed changes to the North Embarcadero Visionary Plan and the Broadway Pier has conducted in an open public manner and reviewed by your Commission.

As part of this EIR, you should require the Port to confer with the City and CCDC regarding the impacts the changes it is proposing would have on the approved Downtown Community Plan Update and other downtown plans. The EIR process should also include completion of a public joint bayfront precise planning process, which would produce a final bayfront precise plan that clearly details what the Port plans to build in the future on sites it controls along the North Embarcadero, including the Navy Pier, the 1220 Pacific Highway site and the block bordered by Grape and Hawthorne streets along Harbor Drive.

Once again, thank you for this opportunity to comments on staff recommendations regarding ways to improve your local coastal permit planning processes, especially as they would apply to the downtown San Diego bayfront. I hope you will seriously consider these comments and recommendations for improving your costal planning and permitting process.

Don Wood  
4539 Lee Avenue  
La Mesa, California 91941  
619-0463-9035  
dwood8@cox.net



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rtcomments.do...

# PUBLIC TRUST ALLIANCE

A Project of the Resource Renewal Institute

Historical Building D, Rm. 290

Fort Mason Center

San Francisco, CA 94123

Project tel.: (510) 644-0752

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W13

October 3, 2009

California Coastal Commission

45 Fremont St.

San Francisco, CA 94105

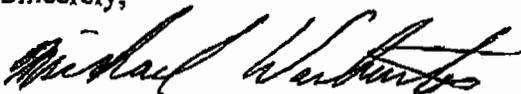
RE: Item 13 October 7, 2009 Meeting- Improving Local Coastal Plan Process

As a non-profit public advocacy organization, we share the goal of improving the local coastal planning process, but we are concerned that "improving" might turn into a code word for facilitating inappropriate and illegal gifting of valuable public assets to private parties. While this issue is often the tension behind particular development projects, it is not identified as such in the report prepared by the group working on this process (though perhaps it is intended to be included in the discussion related to "policy disagreements"). It is our position that it is important to openly acknowledge this tension in order to move responsibly beyond it. Decisions of resource trustees should be presented as what they are before the California Public, at both State and Local levels. Public transparency is possibly the least expensive and most effective policy tool for undertaking the Commission's stewardship duties.

Each of the proposed consultative initiatives will indeed smooth the stewardship of coastal resources prized by all Californians. We support this effort. But some local jurisdictions seem to be proceeding with local development strategies emphasizing a policy of denial of the public supervision of coastal resources and the historic California Tidelands Trust. We are committed to working with the California public and its agencies to assure responsible stewardship of trust assets. But we are particularly concerned by recent experiences in San Diego where local developers and their public patrons seem to resist any plan, even their own, when it might interfere with short term private gains. We want to be sure that transparency in the protection of public assets continues to be a value protected by Coastal Commission practice.

We appreciate the opportunity to comment on this valuable initiative.

Sincerely,



Michael Warburton  
Executive Director