

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



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original staff report

F18a

Prepared October 8, 2014 for October 10, 2014 Hearing

To: Commissioners and Interested Persons
From: Susan Craig, District Manager
Daniel Robinson, Coastal Planner
Subject: **STAFF REPORT ADDENDUM for F18a**
CDP Application 3-13-012 (Caltrans Piedras Blancas Realignment)

The primary purpose of this addendum is to note for the record that the applicant, Caltrans, has indicated that they are in agreement with the recommended revised findings staff report. In addition, in order to facilitate the Commission's consideration of the revised findings, this addendum provides a transcript of the portion of the Commission's deliberations wherein the changes to the staff recommendation that necessitate the revised findings were made. Finally, this addendum fixes two typos in the revised findings staff report, one in Special Condition 10b on page 20, and the second in the third paragraph on page 46, as follows (text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted):

On staff report page 20: ...reflect screening requirements of Special Condition 3 4...

On staff report page 46: ...Pursuant to Special Condition 10, ~~this CDP for the realignment project will not be issued~~ the realignment project will not commence construction until these limitations are addressed by amendments to the previous CDPs. ...

DRAFT TRANSCRIPT
3-13-012 – Caltrans (July 11, 2014 hearing)

Cox Thank you Mr. Chairman. I'd like to commend our staff and Caltrans for their collaborative effort they've had for the last many years to get to this point. I would move that the Commission approve the Coastal Development Permit No. 3-13-012 pursuant to staff recommendations and I would recommend a YES vote but I would like to make an amendment to that motion if there is a second.

McClure? Second

Kinsey Okay, would you care to keep going?

Cox Okay, the amendment I would like to make is to the whole issue in regards to the width of the – let me get to the right - special condition 2A which deals with the shoulder widths. I understand what staff is saying, trying to minimize the amount of pavement. But on the other hand, I think that this is an instance where I'm going to certainly defer to the expertise and the knowledge of Caltrans and the people that are probably most likely going to be to use this shoulder for purposes other than parking a disabled car, and that's the bicycling community. I think there's a very logical argument that they have laid out that really when you are dealing with a situation like this where it's a high speed roadway, highway immediately adjacent to where the shoulder's going to be, I think there's abundant argument to focus on that it should be a wider shoulder. I don't think that's going to detract anything from the visual impression people are going to have as they look out. I really think from the safety standpoint that needs to be that 8-foot width, and I would make a motion to modify that condition to allow for an 8-foot wide shoulder.

McClure Second

Kinsey Okay, would you like to speak to your second?

McClure Just momentarily because I think that there's still a couple of other issues on the table, especially with the language that's needed to make sure that if the private land is acquired, the trail will move westward, and that kind of - I'm not sure that we need to actually amend the report or that something that can be directed when we come back with new findings.

But the 8-foot shoulder, I get it that it's going to look really wide but I think that 40 years from now, because chances are that road is not gonna be touched again for a long, long time. And I think that we're going to see more and more people touring the coast by bicycle. And so, I think that we need to look to the future and realize that this is something that 30 years from now, it's

probably going to be a crowded shoulder because there's gonna be a lot of people using it. So that's why I'm supporting the amendment and the motion.

Kinsey Thank you. Commissioner Jones and then Vargas and then Shallenberger.

Jones I'd like to restate what Dr. Lester said that today is really a milestone for this project. We have been working at this for this a very long time. Caltrans did finish their CEQA determination back in 2010, so they did get their application into Coastal Commission in 2012, and I do have to commend Dan and Tim and their staff for all the work they've done. Actually, I would like to say that they have been engaged, very engaged and at times I've notice enraged in getting this project here to you. Yes, developing that application and then the staff report that we are looking at today took a lot of work. As a matter of fact, I know for a fact that the Caltrans crew is up until past midnight last night in response to the addendum, and I know the Coastal staff was working diligently for many hours putting that package together. So, there's a lot of complex issues in this package before you. But that being said, they have always been professional and they have worked collaboratively to get this here.

Moving the highway in anticipation of sea level rise is quite a feat, and I do have to commend everybody here for that. It exemplifies our forward-planning with Coastal Commission, with Caltrans, with State Parks and everyone involved in this. Caltrans, California is thinking ahead and we are actually moving the highway in anticipation of sea level rise.

Commissioner McClure noted that we won't be coming back to this for a very long time. This roadway is designed for a 100-year life span so there's some in-depth planning here, so kudos to that.

But I would like to talk to some of the issues that have come up today specifically the shoulders and Commissioner Cox thank you for your motion. It does offer us an enhanced driving experience. I think many of us have been on those very narrow roadways or even single type roadways where you were white-knuckling it. And you really don't get to enjoy the scenery around you. I, for one - i.e. in the Grand Teton National Park where do they have 8-foot shoulders - I'm able to enjoy the scenery. I do my driving, which I do like to do, but I can also do enjoy the vistas around me. And in this particular stretch of roadway, these coastal plains and this setting that we are proposing with 8-foot shoulders will be allowed, we will allow our drivers to enjoy that.

The parking – I look at the shoulders in a different way. I see parking along the coastline, always a challenge. With these 8-foot shoulders, we are basically and in effect providing 3 miles of parking. So, as more visitors come to the coast, we'll have these 8-foot shoulders to be there for them. And with the parking in the 5-3, I bring some of the ethics of my backpacking days

to this conversation, tread lightly, and when I'm out in the wilderness, I don't like to create new trails, I do avoid vegetation. When I drive my vehicle, I have that same ethic. If I see vegetation on the shoulder, on the roadway, I really do try to avoid it. So if there's a five-foot shoulder, you'll find me parking a little over the white line there, the fault line, to avoid impacting vegetation. It's just that nature and I think most folks who enjoy the coastal zone, do that. So this 5-3 has that inherit indecision or indecisiveness for many of the public. They may try to park out in the roadway to avoid that impact to the vegetation. So it's something to consider.

I want you to know that in the package we received, there are ten letters of support for the 8-foot shoulder. And thank you to those who have spoken for it. I agree with you. Just recently, the AIDS ride from San Francisco to LA was completed. I had many friends in that ride and they talked about the pleasure of riding the coastline and, had to say it, especially when they had full-blown shoulders. It made it a more enjoyable experience, so in this situation, I think we are providing that. Those who signed the letters from the San Luis Obispo County Board of Supervisors, the Bicyclist Coalition were just extensive. Membership includes 47,000 members with the Adventure Cycling Association. So a lot of folks will really support the 8-foot shoulders.

That being said, we still have a scenic issue. And I appreciate the staff report on that. It is truly a state scenic highway. And the Legislature did in 1963 require us to protect our scenic highways. I don't if you know this but it's codified in the Streets and Highways code. And it is actually Caltrans who makes the decision as to what is or isn't a scenic highway. And for this project, one of our landscape architects, Bob Carr, made that decision back in 1999. It was also Bob Carr who did the visual impact assessment for this project in our 2010 EIR/EIS. So we have an expert here who really values the views and the viewshed of this roadway. We have identified that it is an American roadway and along with San Luis Obispo County, we did nominate that for that designation again back in 1999. Now all of that, just to give you some background on the landscape architect who worked and assessed the impacts, visual impacts for this project in that 2010 EIR, here was his conclusion: "The realigned highway would remain visually subordinate to the overall natural landscape." He actually concluded no impact. So with this vast landscape, even with this additional 8-foot shoulders, it does not impact that scenic beauty, and so- by the person who designated this area as a scenic roadway- I think that's very, very important.

So with that, there seems to be one item left with staff and Caltrans are working through and that would be the item 5(b)(1). It seems to be a sort of the panacea for the lot of legal issues that are out there. So as we go through this discussion, I would encourage Dan, if we could, or Tim, if we could, could we pursue that 5(b)(1) and would that address our concerns and would

an amendment there help us get through approving a project we can all build?
So, okay, thank you for that.

Kinsey Thank you. Commissioner Vargas and then Commissioner Shallenberger.

Vargas Thank you. I want to thank everybody that's spoken before me. I echo a lot of sentiments and obviously I thank our staff and the staff of Caltrans for your collaboration on such a hard project and what could possibly be a milestone project. And particularly I want to thank the bike advocates that come out because a lot of times there's not enough voices out there for the importance of bike safety but also for pointing out that bicycling is an important part of what we do for recreation. We should encourage that. Commissioner McClure mentioned that this is a once in a 100-year project, which means that we have a great opportunity right now to really think this through and get this right.

Chief Counsel Schmeltzer Commissioner, could you hold the microphone a little closer?
Thank you.

Vargas There we go. So, I just – I'm an avid bicyclist, and I really kind of tune in to these types of things. A 5-foot shoulder is just really, really narrow for bicycles. If you can, for those aren't avid bicyclists, if you can picture yourself and how you ride a bicycle and how your shoulders and your hands are on the handle bar, you are already taking up a 3, 3½ ft. of space. That's leaving a few inches on either side of you. Driving down PCH with a car passing by your elbow at 55 miles an hour is not a pleasant feeling. Or, I don't know what the speed limit is, but it's a high rate of speed, it's not a pleasant feeling, it's a very uncomfortable feeling. Not to mention a dangerous situation.

The Federal Highway Administration, I believe, sets minimum bicycle widths at 5 feet, 1.5 meters. But they recommend wider bike lanes on streets with higher motor vehicles speeds, so we're already cutting it pretty close. I think the 8-foot opportunity should remain paved to create that buffer. The only thing that I would add there, and I wonder if I can ask Caltrans to come up and maybe let me know their thoughts on this or if they've contemplated it, again, with the fact that we have - this is kind of once in a 100-year opportunity to get this right – has there been any contemplation of special striping to designate a buffer? One of the public commenters mentioned, Steve Bradford's bill that was passed into law last year creating a 3-foot rule. This is an opportunity to not just follow-up on the letter of the law, which is slightly weakened, and trying to create the spirit of the law which is to create a 3-foot buffer from vehicular traffic to a bike lane. Have you contemplated striping to create that 3-foot buffer and a separate bike lane? Are there any thoughts on what you would consider, if you would consider that, be willing to consider that as a condition?

Gubbins A little unsure of the protocol here. I'm Tim Gubbins from Caltrans, District Director. We have not looked at that. The striping proposed is consistent with the class 3 bike lane that's out there. We've recently, as Caltrans, we have endorsed NACTO for some of the new bike striping everything else. That's typically done in the more urban setting and so in this setting, it seems appropriate to just leave it as a single stripe, the class 3. Anything else, I don't know that would be appropriate out in the country side as we are for just a short section of this project.

Vargas Okay, thank you.

Kinsey Those are your comments at this point. Okay, Commissioner Shallenberger.

Shallenberger I think I would be recalcitrant in my duty if I didn't ask - I didn't see visuals of the bridge railings. I believe we have 3 bridges in this project? Do we have any visuals of what this will look like?

Tami Grove Through the Chair. We don't have existing exhibits of these, but the rails were taken to the Roads' Edge Sub-Committee a year ago December. And the Sub-Committee had recommended, had found them to be favorable. They're very similar to the sorts of bridge railings - Oh, apparently Caltrans does have slides.

Shallenberger Okay. Because, I mean, that's one of the things we say over and over about the Roads' Edge that we can't make a decision for the Commission, and so I think whatever these railings are going to be needs to be before this Commission.

Tami Grove That's a good idea.

Kinsey Why don't you follow-up on that as it relates to, do you mean at some subsequent time?

Shallenberger No, I think they have them here. They are going to pull them up.

Kinsey Okay

Shallenberger Am I right about that? They just haven't been before us yet.

Martinez Good afternoon. My name is Paul Martinez and I'm the Project Manager for the project. We have a couple of slides here that show, first the open bridge rail type and this is basically the same design that we showed to the Roads' Edge committee. It has, it's the higher rail because of the steeper elevation of the highway, but it's one that has been approved for use on the coast. It has a higher rail for bicycle use. And in between the three steel elements on the

bottom of the top bicycle rail, they have kind of a wave pattern in there. So that would take care of the bridge rail and the see-through portion of the bridge rail.

Next slide – in there again, you can see the see-through rail with the pattern between the vehicle rail and the bicycle rail. The aesthetics of the bridge were designed to kind of, it was taken from the lighthouse in the area and so it kind gives you that impression of, it's built as kind of similar to what like the Piedras Blancas lighthouse is, just south of the project. The round element there is like a lens of the lighthouse. And that's the aesthetic treatment for at least two of the bridges. The other one is different style bridge, but I think some of the elements are still the same.

Shallenberger Okay thank you. That was just kind of a full disclosure of the visual of the whole project so I appreciate that. And I also want to join in saying that what a phenomenal thing I think this is. It's a huge project – the realignment of Highway One, anticipation of climate change. I also regret that we are at this position with the shoulder. I think that it's too bad that it was not talked about in the Roads' Edge committee. Because this is a kind of thing that with more time and more questions and more pushing, I feel in my, whatever that we might have come into actual agreed upon conclusion that would have met both of our needs, that's not possible now, and I think that's too bad. However, that's a small diminishment of the how really spectacular this project is and the work that's been accomplished so far. So thank you.

Kinsey Thank you. Commissioner Howell?

Howell Thank you Chair Kinsey. Again, congratulations. I want to make certain that Commissioner Jones's 5(b)(1) had been addressed. And I know some of these issues are complex and I know that I probably don't understand all of the litigation and the property rights, and everything else associated with this project. But, is everybody on the same page?

Kinsey Let's ask the staff and then if you want to invite, if you want ask the Caltrans representative to come up you can

Dan Carl I can try and summarize and I think based on discussions with the staff, there's two ways of looking at the way in which the coastal trail would cross the Welsh property. The way that Caltrans is suggesting is that it would come in, the northern and southern components would come in closer to the shoreline and then the trail would move inland up near the highway right-of-way and back down. That's what they are proposing and that's 5(b)(1) that Dale put out there.

What we are suggesting is that for coastal trail connectivity and user experience, it is more appropriate that the coastal trail continues on its own

meandering alignment nearer to the coast providing for a rolling easement that addresses coastal erosion. So our version of the coastal trail would connect closer to the coast and would move inland as necessary to meet the erosion requirements. So that's our version. Their version would just up the highway and drop back down – that's about a 100 yards.

Howell I'm (inaudible) thinking exactly about where you are talking about. But I'm confused how Caltrans could have any control over that given where they are right now?

Kinsey Would invite Caltrans back up.

Howell I actually have to harass you too about the issue with the bike from years ago, Tim (joke???)

Gubbins I don't know if it would help to put back up the slide that we had that showed the area of it or not or if I can just verbally describe it. So again in this area, just to reiterate - I think Dan captured our, I'll say, points of disagreement in this particular issue quite well.

Slide - The State Parks' plan had that light green line that's just basically extending between the two points where the red is. What we said is, Yeah, that's where the current highway is but knowing that it could erode, the highway is on easements right now. Our plan would be when that highway goes, we would follow the red path. The proposal and the condition that we were not comfortable with was to negotiate a floating easement for the area between going up towards the red, closer to the highway. We do not have that right. It is currently not part of our discussions with the property owner and that's why we are just going up just that point. We thought this would meet the intention of a continuous trail and staff sees it as more of a "as close to the ocean as you can."

Howell And I would love to have the trail near the ocean, but I don't see that that's within our power or Caltrans' power to deliver that.

Dan Carl I walked through this a little bit before, I can explain it a little more. It's on page 42 of our staff report talking about the requirements of Coastal Act section 30609.5 in terms of retaining an interest when the State has an interest right now and the current alignment. And so retaining that interest for public access when they move the road, and the way we looked at that was the way I described is that that interest, retaining that, includes some sort of floating easement or rolling easement. Yes that would need to be negotiated with property owner. There's no doubt about that. There are a number of things that, like I said, are very complicated, associated with those private properties including well access, the utilities, the driveways, restoration, screening requirements, underlying coastal permits, deed restrictions. There are a

number of things that all need to change in concert with this private property owner. This is just one of the additional things that we think is appropriate given the importance of the coastal trail and making sure that its utility is maximized here. So all of those things are things that would be incumbent upon Caltrans to pursue through this negotiation, or otherwise, as they're pursuing the rest of the condemnation proceedings or some separate proceedings or some other-- separate settlement. They would need to acquire some sort of property interest sufficient to do these things that the coastal permit requires, including this, the floating easement.

- Lester Just to clarify. They would have the ability to do that in our view through the property negotiation that they are currently in with the property owner, the eminent domain proceedings.
- Howell Could the property owner just say, "No, no, I'm not doing that." Is that possible?
- Kinsey I'm going to invite Mr. Gubbins back up here, and I think it is important to explain to Commissioner Howell and our Commission why it is that you are reluctant to introduce that issue into the condemnation at this time. And I would suggest that maybe you could suggest what you might be able to do upon the completion of this condemnation proceeding.
- Gubbins Okay. Thank you and we had tried to do that. But again, when we went through resolution necessity and started the condemnation process, we have an order of possession for that part of the parcel that is needed for the highway construction. We did not do the entire, approximately 5-acre parcel. And so our reluctance at this time is, we have that order of possession, but we are in litigation over that. That will be settled in the future. Language that - and I may ask my staff to come up here and help me as we wrote this midnight last night and I'm not sure exactly where it is - if the litigation turns out that we do have control over that portion of land west of the highway, I think then we would work with staff, as we did on another parcel, to find how we do that easement. The easement that Dan is talking about that the highway is on now, saying we need to retain an easement for the trail, we think that can be satisfied, but giving an easement over a portion of that land that is already under our control. That would not introduce a new challenge into the litigation. However, I will reiterate if through other methods, as Dan said that this is a very complex parcel, if other considerations and at the end of the day that was under our control, in one way or another, that would be a different thing that we would or sure work out quickly with staff. But our preference at this point would be to accept the - once the highway is not there in a few years- to accept the easement within that portion of the right-of-way, not going all the way up to the roadway but in that portion of right-of-way that we have under control at this time.

Kinsey While you are here Mr. Gubbins, if I might, the – you talk about the existing easement that you have for the highway

Gubbins Correct

Kinsey is terminated upon the relocation – has any creative review of that suggested that hiking and biking and pedestrian activity couldn't be construed as the same purposes? Is there some reason that you're forced, does it specifically say for vehicular traffic or you wouldn't be able to interpret that easement more liberally?

Gubbins I do not have counsel with me, so I'm not going to attempt to interpret that at this time. It does specifically say highway purposes and I think my staff may have exactly the quote on what's in the deed. The heart of the matter is highway purposes – we will need that for the construction of this project. We are doing restoration as we said after traffic has moved off of this highway. We're doing restoration, we're then doing planting and we have plant establishment period after that. So we're predicting that's going to be five years. Five years of the type of erosion that we have experienced, the existing alignment may not be an issue which is why staff had proposed a floating ambulatory, whatever you call it. So from as much as I understand your question, we have not found that interpretation yet but that might be a moot point because by the time that would be needed we do have another path and existing highway likely would not be suitable.

Kinsey Okay thank you.

Schmeltzer If I may point out Chair that under the Coastal Act in 30609.5 which I believe Mr. Carl was referring to and it's discussed on page 42 of the staff report, the Coastal Act does require that state agencies that have an interest in property between the first public road and the sea, retain the same interest for access, for access to the sea which is what this road is currently used for. And that same access be provided when the parcel transfers and what is being proposed here is a transfer. And that's would happen when this parcel changes hands as Caltrans explaining from Caltrans to the owner. That's a transfer. And the Coastal Act requires that a state agency retain the same access which is why staff is saying that Caltrans, as part of its negotiation, has to maintain the same access. And moving it to another parcel and up along the different alignment, staff does not believe retains that same access.

Kinsey And we do believe that if nature takes away that coast and pushes it further in and outside of that access that they currently have, that would – that we would somehow have a white line to follow the eroding shoreline.

Schmeltzer That's why it's the same easement transfer and that's why staff is proposing the ambulatory access.

Kinsey Okay. Alright - are there other Commissioners – I'll ask my own question of our staff just to be clear. The points of the ingress and egress at the northern and southern end – do you feel that you have come up with language that you and Caltrans are agreeable on there? Or are you still seeking the left turn lane.

Carl I think, and Mr. Gubbins can correct me if I say something wrong, we talked about it and the language that we have stands for the premise that they're going to provide us with the information that shows what's safe given those traffic patterns and the use patterns associated with that and I feel comfortable that we can work that through in condition compliance. It is our existing language.

Kinsey Okay so we won't anticipate a left turn lane unless through the calculation it's proven that that's what it's going to take to maintain safety and they have sufficient room within their right-of-way to provide that at such time they feel that's what is needed.

 Okay, alright. So my own impression then is that we really have taken on all of the issues. We have not necessarily resolved them all. We have one amending motion related to the width of the paved portion of the shoulder. We had a good conversation about the alignment issue for the trail, but as it stands right now, there is a difference between Caltrans' request and the staff's recommendation. Are there any other issues that have been raised here where there's a difference, and I'll go to Commissioner Jones. Is there anything else that you think we haven't adequately discussed before taking any other amending actions or final actions?

Jones I would like to go back to the trail. And just for clarification, we are talking about 50 yards basically, right? Yes, so the length of this room is what we are talking about. We're going to move that trail up and down, it will not be next to the highway, but it is something that we can guarantee now versus the outcome of litigation. And that is Mr. Gubbins' and Caltrans' concern that everything otherwise would hinge on litigation. So we're talking a 3-mile trail, we're talking 50 yards here that we want guarantee now

Kinsey And to Commissioner Jones. So, is it your understanding that the purposes of not being able to commit to the floating easement are that it is uncertain as to whether you'll be required to purchase the entire portion of the Welsh property to the west of the highway?

Jones And that would be one of the concerns. Yeah, the litigation could take any number of turns so

Kinsey And so then maybe I should be talking to Mr. Gubbins and ask him to come back up and state the name for the record, thank you. In the event that

Caltrans is forced to purchase the entirety of the Welsh property to the west, would you have any problem with providing the floating easement if it became under your control before you transfer it to the State Parks?

Gavins Again, Tim Gubbins, Caltrans District 5 Director. No, we would not. We've entered into that in other similar other private property.

Kinsey So is there some language that could be added to this condition that says that in the event that the property becomes under the control of Caltrans that they will provide the floating easement?

Gubbins If I can confer with staff quickly

Kinsey And again, I'm exploring this; I'm not making an amending ...

Carl There could be language like that. That would, instead of in affirmative requiring it, so we'd know for certain that that's what was going to be required, it would be dependent on what was the outcome.

Kinsey I'll just speak as an individual Commissioner who has had responsibilities in my County supervisory job. Once these condemnation proceedings begin, it is extremely complicated to bring new information in. It requires reappraisal and there's lots and lots of very challenging aspects to it. So given the fact that it is a relatively short section of the trail and given the possibility that we could obtain this if Caltrans is forced to purchase the entire property to the west of the freeway. I am sympathetic to their request that we not impose it as a condition at this time because it would enormously complicate their condemnation proceedings. Now, I want the trail as much as anyone along the coastal alignment and you know quite often Caltrans in the end on these things ends up having to purchase a lot more property than they ever wanted to. And I wouldn't be surprised if they ultimately have to purchase the entire western portion. So it is a bit of a gamble. But at least as this Commissioner, I'd be comfortable if there is some language that we could add that would get us the assurance that in the event that they control that property in the future, that they would provide the floating easement before transferring any ownership.

Cox Mr. Chair

Kinsey Commissioner. Yes.

Cox I would be more than willing to include that into the motion, but I don't know the exact language we would need to perfect that - the motion to amend.

Kinsey Okay and the seconder? So we're not there yet. They expressed a willingness to include that in their motion but we don't have a language so I'm just looking to see what our staff would think on this.

Carl I think to the extent that's the will of the Commission there would be a way of rewording Special Condition 9 that's on the staff report, page 17, with respect to the Welsh parcel. It would just be a two-part condition related to that – and it would be, so it would be recorded against the Sani parcels and then on the Welsh parcel, it would have if acquired, this would apply to the whole property, if not acquired, it would apply to the current alignment, which, as Mr. Gubbins indicated, is probably going to away pretty quickly. That's our concern but that would be a two-part sort of thing.

Kinsey Isn't it true that if it does go away, that that 50 yards, as Dale, as Commissioner Jones was trying to represent it, would still be available to us so it wouldn't cause a gap in the trail? It would just require moving towards away from the coast for a short distance?

Carl Right. So this would be on the Welsh parcel so what Dale and Mr. Gubbins are talking about is coming up into the Caltrans right-of-way. That would be a different, so it would be off the Welsh property

Kinsey Right, but in terms of the trail, that would be a continuous trail

Carl Yes, and that is provided for by the rest of the conditions as well.

Kinsey Okay. So I want to invite other Commissioners to comment on it but I myself think that's an appropriate way to deal with the situation. Commissioner Shallenberger

Shallenberger I just want to clear on this last piece. Is that something that staff is incorporating? It sounds as if Caltrans agreed that this would be acceptable?

Lester No, I don't think we've incorporated it, no

Shallenberger My suggestion is you divide the question. We have now two different quite separable issues and I'd like to vote separately on them.

Kinsey I'd be happy to do that, and so we'll take up the amending motion first initially related to the easement shoulder paving requirement, and the amended motion is to change the language to an 8-foot paved shoulder instead of the proposed 5-foot with 3 feet of gravel, of vegetated gravel. Okay, are we ready for that?

Vanessa, if you can call the roll on that. And everyone is clear about what we're voting on? Okay, so the makers of the motion are asking for a yes vote on the 8-feet of paved shoulder.

Miller	Commissioner Faustinos?
Faustinos	Yes
Miller	Faustinos, yes. Commissioner Cox?
Cox	Yes
Miller	Cox, yes. Commissioner Duclos?
Duclos	Yes.
Miller	Duclos, yes. Commissioner Howell?
Howell	Aye.
Miller	Howell, yes. Commissioner McClure?
McClure	Yes.
Miller	McClure, yes. Commissioner Mitchell?
Mitchell	Yes.
Miller	Mitchell, yes. Commissioner Shallenberger?
Shallenberger	No.
Miller	Shallenberger, no. Commissioner Turnbull-Sanders?
Turnbull-Sanders	Yes.
Miller	Turnbull-Sanders, yes. Commissioner Vargas?
Vargas	Yes.
Miller	Vargas, yes. Chair Kinsey?
Kinsey	No.
Miller	Chair Kinsey, no. The vote is 8-2

Kinsey 8-2. Okay. So then Commissioner Cox, are you still open to making that amending motion as it relates to the Welsh parcel and

Cox Yes, I am. However that's worded.

Kinsey And I'm going to ask Dan Carl if – do you have some language available to us that would achieve what we are discussing?

Carl Just the bare bone of what I described earlier. It would take me a second to put in language...

Kinsey I don't mean – I think we need to have enough to feel as though we're all clear on the amending, the intention of the amending motion.

Carl I think the concept is- and it's focused strictly on the Welsh parcel- on Condition 9 is that if it were acquired, as Mr. Gubbins had indicated, then this would happen, the way it is structured. If not, then this would happen but only within the current alignment and then the other conditions stand for the premise that the coastal trail needs to be continuous, including that it would loop up above if we lost the easement area.

Lester In the worst case, we would still have acontinuous coastal trail. It would just jog up to the highway and back down. But there would be an obligation to make sure that that happened at a minimum.

Kinsey Thank you. So, no. This is not to be incorporated. We're going to vote on this as an amending motion at this point. And I'm going to ask Vanessa to call the roll on this and the makers of the motion are asking for a yes.

Miller Commissioner Cox?

Cox Yes

Miller Cox, yes. Commissioner Duclos?

Duclos Yes.

Miller Duclos, yes. Commissioner Howell?

Howell Aye.

Miller Howell, yes. Commissioner McClure?

McClure Yes.

Miller McClure, yes. Commissioner Mitchell?

Mitchell	Yes.
Miller	Mitchell, yes. Commissioner Shallenberger?
Shallenberger	Yes.
Miller	Shallenberger, yes. Commissioner Turnbull-Sanders?
Turnbull-Sanders	Yes.
Miller	Turnbull-Sanders, yes. Commissioner Vargas?
Vargas	Yes.
Miller	Vargas, yes. Commissioner Faustinos?
Faustinos	Yes.
Miller	Faustinos, yes. Chair Kinsey?
Kinsey	Yes.
Miller	Kinsey, yes. The vote is unanimous.
Kinsey	So then we will now vote on the original motion, and is there any unwillingness for a unanimous yes vote? Seeing none, we have approved the project as amended by those motions, and that completes this item.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3407
FAX (805) 549-3620
TTY 711
<http://www.dot.ca.gov/dist05/>



*Serious drought
Help save water!*

October 6, 2014

Mr. Dan Carl
Deputy Director
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Agenda Item F18a
Application No. 3-13-012
Paul Martinez - Project Manager
In favor

Dear Mr. Carl

The Department of Transportation (Caltrans) has reviewed the Revised Findings Staff Report F18a that your staff has prepared for the October Coastal Commission meeting and agree that the amended language to Special Conditions 2a and 9 accurately reflects the Commission's action at the July 11, 2014 Hearing.

I am also notifying you that Caltrans will be submitting an application to amend the approved permit with respect to Special Condition 2e. The application to amend the permit will be sent to Coastal Commissions Central Coast District Office.

Special Condition 2e, as written, requires that Caltrans eliminate the existing well access entrances used for intermittent well access from Dr. Sani's remaining parcel (APN 011-231-015) and Mr. Welsh's parcel (APN 011-231-017) and consolidate them into a single access.

In the letter sent to the Coastal Commission Staff dated August 26, 2014 (attached), Caltrans explained why it is unable to comply with Special Condition 2e as written. As you are aware, on December 14, 2011, Caltrans initiated condemnation proceedings on Mr. Knute Welsh's parcel in order to obtain the land necessary to construct the new state highway alignment. However, the condemnation does not include the land subject to Special condition 2e. Changing the scope of current litigation to include condemnation of the well access entrance would require re-appraisal of the property, additional review meetings with the defendants, additional hearings before the California Transportation Commission, the adoption of a new Resolution of Necessity, and an amendment of the Caltrans' eminent domain complaint. Under the current schedule, these requirements would delay the project for an entire construction season.

Additionally, Caltrans has already entered into a binding settlement agreement with Dr. Sani that requires Caltrans to provide Dr. Sani access to his wells along the current driveway alignment. While the settlement agreement allows conversion of the well access into a "jeep trail", it does not allow the


alignment of the well access to be changed. Changing the alignment of the Sani well access would place the Caltrans in breach of its settlement agreement and expose it to liability.

While the land subject to special condition 2e is outside the scope of Caltrans condemnation, if the Welsh eminent domain litigation results in the acquisition of the western portion of the Welsh parcel by agreement of the parties, Caltrans could pursue consolidation of the Sani and the Welsh well accesses.

In the amendment application, Caltrans intends on requesting the following modifications to Special Condition 2e. Suggested deletions are shown in ~~strike through~~ and additions are shown in underline.

2e. Well Access. If the condemnation proceeding on the Welsh parcel (APN 011-231-017) results in the Permittee's acquisition of the entire parcel or the portion of the parcel west of the new highway alignment, the permittee will pursue elimination and replacement of Tthe separate well access entrances for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-017) seaward of the new Highway alignment shall be eliminated and shall be replaced by with a single consolidated well access entry route from the new roadway sited and designed to serve intermittent well access. Such well access route shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells. If the condemnation proceeding on the Welsh parcel does not result in the Permittee acquiring all or the portion of the parcel west of the new alignment, then the Permittee shall convert the existing paved well access on the acquired Sani parcels to an informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells and the Welsh well access will remain in its current state.

Sincerely,



Paul Martinez
Project Manager

Enclosure

- c. Kyle Birch
Jason Wilkinson
Cecilia Boudreau
Sarah Von Schwind

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>



*Serious drought
Help save water!*

August 26, 2014

Daniel Robinson – Coastal Planner
California Coastal Commission, Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: Staff Report F15a Special Condition 2.e /Addendum 6.e (Well Access)

Dear Mr. Robinson:

Please accept this letter in response to the Coastal Commission Staff Report Special Condition 2.e/Addendum 6.e (Driveway Access). Special Condition 2e. /Addendum 6.e requires that Caltrans eliminate the separate well access entrances servicing the wells for Sani parcel 3 (APN 011-231-015) and the Welsh parcel (APN 011-231-017) and replace them with a single informal, unpaved rangeland farm road.

As you are aware, the State has settled the eminent domain action against Sani parcels 1 and 2 (APNs 011-231-013 and 011-231-014) but remains in litigation on the Welsh parcel. The settlement agreement on Sani Parcels 1 and 2 provides Dr. Sani with a 40-foot access and utility easement as well as a 100-foot radius easement around the two remaining wells. Caltrans intends to remove the existing paved well access and convert it to an unpaved rangeland farm road. This access will also be steepened and hence, shortened to reduce its visibility (Exhibit 1).

Over the past several weeks, project staff, in consultation with Caltrans' Legal and Right of Way Divisions, has examined various options for complying with special condition 2e./Addendum 6.e but has been unable to develop a method to comply with the condition that would not impose significant delays to the project. As was the case with Special Condition 5b.1. (CCT Alignment), it is not within the State's power to force Mr. Welsh to relinquish a portion of his property that is not subject to condemnation. The eminent domain proceedings, which began on December 14, 2011, only include the portions of the Welsh parcel necessary to construct the new roadway and do not include the property subject to condition 2e. As was stated by Commissioner Kinsey during the July 11, 2014 Commission hearing, once condemnation proceedings have begun, changing the scope of the litigation is extremely complicated and time-consuming. It would require re-appraisal of the property, additional review meetings with the defendants, additional hearings before the California Transportation Commission, the adoption of a new Resolution of Necessity, and an amendment of the Caltrans'

eminent domain complaint. Indeed, it is possible that the California Transportation Commission would decline to adopt the new Resolution of Necessity authorizing Caltrans to condemn the additional property needed to comply with the condition. All told, these steps would certainly result in significant project delays.

While Caltrans is not the owner of the property subject to condition 2.e and does not have the right to remove the existing driveway, in the event that the current litigation results in the acquisition of the western portion of the Welsh parcel, Caltrans agrees to initiate discussions with Coastal Commission Staff to remove the existing driveway. Under this scenario, the State could then provide Mr. Welsh with easement rights to the well access on the parcels acquired from Dr. Sani and develop an unpaved rangeland farm road running north to Mr. Welsh's well (Exhibit 2).

At this time, Caltrans is requesting the Commission staff accept the current proposal to shorten and convert the existing paved well access on the acquired Sani parcels into an unpaved, rangeland farm road and to forego requirements to remove the Welsh driveway until and if settlement of the pending litigation results in acquisition of the western remnant of the Welsh parcel.

Sincerely,



Cecilia Boudreau
Associate Environmental Planner

Enclosure

Exhibit 1: Layout Sheet (L-6)

Exhibit 2: Proposed well access if State acquires western portion of Sani Parcel

FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

No. (X)	R	Δ	T	L
8	1350.00'	-43°15'06.8"	535.21'	1019.11'
11	800.00'	-20°05'60.0"	141.78'	280.65'
12	50.00'	15°58'48.6"	7.02'	13.95'
13	100.00'	-16°59'02.2"	14.93'	29.64'
14	100.00'	20°20'22.0"	17.94'	35.50'
15	300.00'	-13°38'05.0"	35.87'	71.39'
16	425.00'	-14°26'52.0"	53.87'	107.17'
17	425.00'	7°28'36.0"	27.77'	55.46'

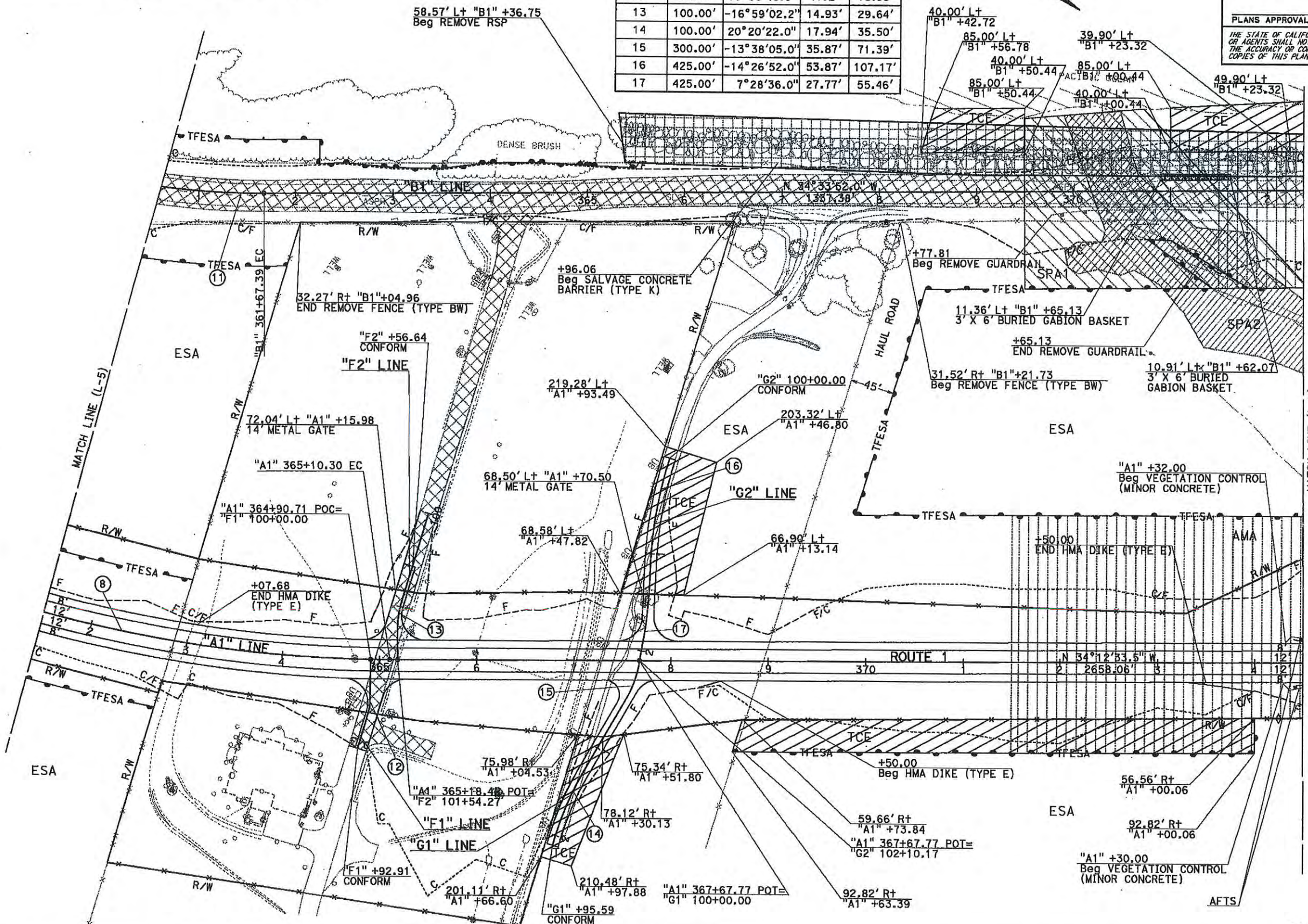
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch 5-20-13
 REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER
 KYLE BIRCH
 No. 74994
 Exp. 12-31-15
 CIVIL
 STATE OF CALIFORNIA



SCALE 1" = 50'

LAYOUT
L-6

BORDER LAST REVISED 7/2/2010

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USERNAME => 8132354
DGN FILE => 0500000576e0006.dgn

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RELATIVE BORDER SCALE
IS IN INCHES

UNIT 1449

PROJECT NUMBER & PHASE

05000005761

08-21-14	DATE PLOTTED => 22-AUG-2014
	TIME PLOTTED => 13:35

PRELIMINARY PLANS
Subject To Revision

NOTE: FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

PERMANENT R/W

TEMPORARY CONSTRUCTION EASEMENT

DRAINAGE EASEMENT

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MATCH LINE (L-5)

MATCH LINE (L-7)



SAN LUIS OBISPO COUNTY

Hearing: October 10, 2014
Agenda Item: F18a
Application No. 3-13-012

VIA EMAIL AND U.S. MAIL

October 8, 2014

Mr. Dan Carl
Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Dan.Carl@coastal.ca.gov

Hearing: October 10, 2014
Agenda Item F18a
Application No. 3-13-012
County of San Luis Obispo Department of
Planning and Building

Dear Mr. Carl:

The County of San Luis Obispo ("County") supports the project proposed by the Department of Transportation ("CalTrans") to realign Highway 1 north of Piedras Blancas in the County (the "Project"). However, the County is also the holder of an Agricultural, Scenic, and Conservation Easement ("Easement") on the property currently owned by Mr. Knute Welsh, APN 011-231-017 (the "Welsh Parcel"), which the Project will impact. The Easement was recorded as a condition of approval of the development of Mr. Welsh's home under CDP A-3-SLO-00-119. The purpose of the Easement is to restrict development outside of the approved building envelope so that it "may be retained in agricultural or open space uses for the benefit of [the owner], the public, and the People of the State of California." Because the new highway is planned to be developed across an area covered by the County's Easement, the Project is potentially inconsistent with this interest.

It is the County's understanding that the Coastal Commission conditionally approved the Project on July 11, 2014, with special conditions included to mitigate the Project's impacts on the County's Easement. Specifically, Special Conditions 2.e. and 2.f. would require CalTrans to remove the existing paved driveways on the western side of the new highway, restore the area to match the surrounding landscape, and install a single well access route in the form of an informal rangeland farm road (i.e. jeep trail) that would allow the owners of the Welsh Parcel and Sani Parcel 3 (APNs 011-231-015) to access their wells. These conditions mitigate the

Project's impacts to the public viewshed by offsetting the loss of open space that is currently protected by the County's Easement. We support these conditions and request that they be retained as proposed in your Staff Report dated August 25, 2014.

The County understands CalTrans's expressed concerns regarding the effects of Special Conditions 2.e. and 2.f. on its ongoing eminent domain litigation against Mr. Welsh. We are hopeful that these concerns may be addressed through meaningful negotiations among the parties and may result in a process that would not delay construction of the Project. Any aid the County can provide to bring about a resolution will be happily given. For instance, perhaps Mr. Welsh would be amenable to granting a temporary construction easement allowing removal and restoration of the driveway area without the need for additional hearings before the California Transportation Commission. This is similar to the County's expressed willingness to resolve its interests in the eminent domain proceedings following the Commission's approval of the Project, presuming sufficient conditions are put in place to adequately preserve the scenic and open space interests protected by the County's Easement. We believe that the Project approved by the Commission on July 11, 2014, as reflected in your August 25, 2014 staff report, accomplishes the County's goals.

Sincerely,



James A. Bergman

Cc: Supervisor Bruce Gibson
Steve McMasters, Supervising Planner
Whitney G. McDonald, Deputy County Counsel
Douglas C. Jensen, Esq.
Louise A. Warren, Esq.

Charles F. Campbell, Esq.

POINT LOMA LAW
2385 Shelter Island Dr., Suite 203
San Diego, CA 92106
Tel. 619-226-1377
Fax. 619-226-1373



October 8, 2014

Dan Carl
Deputy Director
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Delivered via email to:
Dan.Carl@coastal.ca.gov

Re: Hearing on October 10, 2014
Agenda Item F18a
Application No. 3-13-012

Dear Mr. Carl,

I represent Knute Bernard Welsh ("Welsh"), the owner of 16485 Cabrillo Highway, San Simeon, CA 93452 (the "Welsh Property"). The Piedras Blancas Realignment Project ("Project"), as proposed by the State of California Department of Transportation ("Caltrans"), calls for the construction of an elevated two lane highway with paved shoulders across the middle of the Welsh Property as well as the deconstruction of the existing highway next to the coast.

On July 11, 2014, the California Coastal Commission ("Commission") approved Coastal Development Permit No. 3-13-012 ("CDP") for the Project subject to a number of special conditions that were designed to mitigate the adverse impacts from the Project

The Revised Findings on Application Number 3-13-012 dated August 25, 2014 accurately reflect the Commission's action on July 11, 2014. Welsh is prepared to negotiate with Caltrans and the County of San Luis Obispo ("County") an amendment to the Agricultural, Scenic and Conservation Easement ("ASCE") held by the County on the Welsh Property, an amendment to Coastal Development Permit A-3-SLO-00-119 (the "Welsh CDP"), which governs the development of the Welsh Property, and the sale to Caltrans of the property interests necessary to satisfy the conditions imposed by the Commission. If the parties reach an accord, it will not be necessary for Caltrans to apply for an amendment to the resolution of necessity that was adopted

by the California Transportation Commission (“CTC”), which authorized Caltrans to file a lawsuit to condemn part of the Welsh Property.

DISCUSSION

1. Introduction.

On October 6, 2014, Caltrans wrote a letter to the Commission stating that the Revised Findings accurately reflect the Commission’s action at the July 11, 2014 hearing. Caltrans further stated that it intends to file an application to amend the approved permit with respect to Special Condition 2e because it would be difficult and time consuming to amend the resolution of necessity adopted by the CTC, which authorized Caltrans to file a condemnation lawsuit against Welsh.

The special conditions imposed by the Commission were adopted to mitigate the adverse effects from the Project. It should not be necessary to amend the resolution of necessity and the condemnation lawsuit against Welsh or to file a separate condemnation lawsuit against the County to meet the conditions for the Project. Any delay in the construction schedule caused by amending the resolution of necessity, amending the condemnation lawsuit against Welsh, or filing a condemnation action against the County is self-created and would not justify an amendment to the approved CDP.

2. The special conditions imposed by the Commission were adopted to mitigate the adverse impacts from the Project.

On July 11, 2014, the Commission approved the CDP subject to the following Special Conditions, which were designed to mitigate the adverse affects of the Project:

- 2.e. The separate well access entrance for the Welsh Property seaward from the realigned highway would be eliminated and replaced with an informal jeep trail to be shared with the owner of the neighboring property;
- 2.f. Driveway access for the Welsh Property inland of the realigned highway would be sited and designed to minimize impact from public views to the maximum extent possible including narrowing the same; Caltrans would remove the paved driveway on the Welsh Property seaward from the realigned highway and restore the land to native vegetation;
- 4. Caltrans would install and maintain vegetation on the inland side of its right of way for the realigned highway to screen the Welsh residence from view of the public using the realigned highway and the California Coastal Trail (“CCT”);

- 9. The public would use the land underlying the existing highway for the CCT until one of three conditions has been met; Caltrans would dedicate to State Parks in fee or easement the seaward portion of its right of way for the realigned highway for use as part of the CCT;
- 10.b. The Welsh CDP would be amended to allow for the construction of the new highway; to prohibit all development on the seaward portion of the Welsh Property from the realigned highway other than restoration, well access, and CCT development; to reflect the screening required in Special Condition 4; and to retain and expand all other development limitations to include all of the Welsh Property; and
- 11. The Agricultural, Scenic and Conservation Easement (“ASCE”) between the County and Welsh’s predecessor in interest would be amended to reflect Caltrans CDP and to prevent all development of the Welsh Property outside the building envelope, including the land underlying the abandoned highway.

3. It should not be necessary to amend the resolution of necessity and the condemnation lawsuit against Welsh or to file a separate condemnation lawsuit against the County to meet the conditions for the Project.

There is a substantial probability that the parties will be able to negotiate an amendment to the ASCE, an amendment to the Welsh CDP, and the acquisition by Caltrans of the property interests necessary to satisfy the conditions imposed by the Commission without amending the resolution of necessity adopted by the CTC, amending the condemnation lawsuit against Welsh, and/or filing a separate condemnation lawsuit the County.

The County and Welsh favor the elimination of the concrete exit ramp and its replacement with an informal jeep trail on the seaward side of the realigned highway. (Special Condition 2e.) The County favors this condition on the grounds it mitigates some of the negative impacts from the Project on its ASCE. Welsh favors this condition because no gate is to be allowed across the exit ramp, there is no practical way for Welsh to prevent trespassers from using the seaward side of his property for off road recreation, and the ASCE requires Welsh to police the use of his property.

The County and Welsh favor the removal of the abandoned paved driveway on the seaward side of the realigned highway. (Special Condition 2f.) The County favors this condition on the grounds it mitigates some of the negative impacts from the Project on its ASCE. Welsh favors this condition because it eliminates an eyesore, which provides an invitation to the public to trespass across his property to the coast.

Welsh and Caltrans have exchanged information showing that the leach fields located on the Welsh Property will be compromised by the Project and cannot be replaced onsite. If such information is corroborated, Caltrans may consider a full take of the Welsh Property through negotiations. In the event of a full take, Caltrans would acquire the land necessary to satisfy the conditions imposed by the Commission. The County should participate in such negotiations since it is the agency that would be required to approve any replacement leach fields.

The Welsh Property to the seaward side of the realigned highway will become unusable to Welsh, as a result of the Project, except for being a source of water for the Welsh residence. From an economic standpoint, if the severance damages caused by the partial taking are severe, Caltrans may consider acquiring the seaward portion of the Welsh Property except for a well easement. This would provide the land necessary for a continuation of the CCT directly across the Welsh Property without a jog to the coast or realigned highway. This would also provide Caltrans with the fee title to the land underlying the abandoned highway. This would provide direct public access to the coast.

The CDP, as approved by the Commission, requires the applicant to submit proof that the Welsh CDP and the County ASCE have been amended to reflect the terms of the CDP and to prevent any development on the Welsh Property seaward from the realigned highway, including the land under the abandoned highway, except for the removal of the existing highway and paved driveway, the restoration of the same, and the construction of the jeep access trail. This will require the cooperation of the County and Welsh and cannot be accomplished through ordinary condemnation.

4. Any delay in the construction schedule caused by amending the resolution of necessity, amending the condemnation lawsuit against Welsh, and/or filing a condemnation action against the County is self-created and would not justify an amendment to the approved CDP.

In August 2010, Caltrans approved the Final Environmental Impact Report (“FEIR”) for the Project. The FEIR stated that a coastal development permit would be required from the Commission. In a letter attached to the FEIR, representatives of the Commission stated: “additional measures are required to avoid, minimize and mitigate impacts on coastal resources, including recreational/public access, scenic qualities and wetlands.”

On December 14, 2011, the CTC approved a resolution of necessity to condemn the property interests required to construct the Project as proposed by Caltrans. On January 2, 2012, Caltrans filed a lawsuit against Welsh to condemn the property interests described in the resolution of necessity.

On March 11, 2013 (*i.e.*, 12 months after it filed the lawsuit and 13 months after it obtained the resolution of necessity), Caltrans filed an application for a construction development permit with the Commission.

On July 31, 2013, Caltrans filed a pleading, which added the County as a defendant in the Welsh condemnation lawsuit in order to condemn part of the ASCE. On December 2, 2013, Caltrans dismissed the County from the Welsh condemnation lawsuit while indicating that it would file a separate condemnation lawsuit against the County to condemn part of the ASCE. The Welsh lawsuit has been informally stayed since then pending Commission action on Caltrans' application.

On July 11, 2014, the Commission approved the CDP subject to a number of special conditions. Caltrans has stated that it will file an application to amend the CDP with respect to Special Condition 2e because the condemnation does not include the land subject to the condemnation and changing the scope of the current litigation would be difficult and time consuming.

The grounds for seeking amendment to the CDP are self-created. Caltrans sought to obtain a resolution of necessity from the CTC before it obtained a CDP for the Project from the Commission. Caltrans chose to file a condemnation lawsuit against Welsh before it obtained a CDP for the Project from the Commission. Caltrans included the County as a defendant in the Welsh condemnation lawsuit in order to condemn part of the ASCE before it obtained a CDP for the Project from the Commission.

In good conscience, Caltrans cannot seek to amend the CDP, as approved, on the grounds it does not have time to comply with the special conditions that were imposed by the Commission to mitigate the adverse impacts from the Project on coastal resources. Caltrans acted prematurely when it obtained the resolution of necessity from the CTC and when it filed the condemnation lawsuit against Welsh. At the time it obtained the resolution of necessity from the CTC and it filed the condemnation lawsuit against Welsh, Caltrans did not know what conditions would be imposed by the Commission to mitigate the adverse effects from the Project on coastal resources. Any alleged delay in the construction schedule for the Project due to Caltrans taking action to comply with the CDP will be self-imposed and would not justify an amendment to the CDP.

Sincerely,

POINT LOMA LAW

-S-

Charles F. Campbell
CFC:abm

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



F18a

CDP approved:	07/11/2014
Staff report prepared by:	D.Robinson
Staff report approved by:	D.Carl
Staff report prepared:	08/25/2014
Hearing date:	10/10/2014

REVISED FINDINGS

Application Number:	3-13-012
Applicant:	California Department of Transportation (Caltrans)
Project Location:	Between mile markers 64.0 and 66.9 of State Highway Route 1, north of the Piedras Blancas Light Station in northern San Luis Obispo County.
Project Description:	Realign 2.8 miles of Highway One up to 475 feet inland, including removal of the existing Highway One in this area, demolition of two existing single-family houses, construction of a new inland alignment of Highway One, development of an off-road California Coastal Trail west of the Highway, and resource restoration and enhancement (along the alignment and at Arroyo de la Cruz)
Commission Action:	Approved with Conditions (July 11, 2014)
Staff Recommendation:	Adopt Revised Findings

STAFF NOTE

On July 11, 2014, the Coastal Commission unanimously approved a coastal development permit (CDP) by for the proposed project. This report contains revisions reflecting the Commission's action because the Commission-approved project differed from the staff's recommendations with regard to shoulder paving and the short-term and long-term location of the California Coastal Trail across the Welsh parcel. Changes to the staff recommended conditions and findings are

shown in ~~strike through~~ (for deletions) and underline (for additions). Commissioners who are eligible to vote on the revised findings are those from the prevailing side who were present at the July 11, 2014 hearing (i.e., Commissioners Cox, Duclos, Faustinos, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, and Chair Kinsey).

SUMMARY OF ~~STAFF RECOMMENDATION~~ COMMISSION ACTION

Culminating over a decade of planning processes, Caltrans proposes to realign a 2.8-mile segment of Highway 1 along the northern San Luis Obispo County coast, north of Hearst Castle and the Piedras Blancas Lighthouse. The highway will be relocated inland in response to ongoing shoreline erosion, as well as future anticipated hazards. Since the 1990s, the Commission has approved several permits to allow for Caltrans' shoreline protection projects at this site, but only on a temporary basis until a longer term strategy could be found to maintain the primary Highway 1 corridor along this highly scenic, and highly eroding, shoreline. Per the requirements of those previous permits, the existing shoreline armoring will be removed once the highway realignment is completed. Overall, the proposed project represents a large scale example of the challenges confronting the State in terms of global climate change, sea level rise, and their attendant impacts, including the need to maintain important infrastructure and protect valuable coastal resources. This realignment project is an adaptation success story for California as it results in relocating critical infrastructure inland, restoring shoreline areas to their natural state, and otherwise allowing natural processes along this stretch of coast to continue and reach their natural equilibrium. Commission, Caltrans, State Parks, San Luis Obispo County staff and other stakeholders have worked extensively and cooperatively together throughout the planning process and are now largely in agreement on the proposed project. On July 11, 2014 the Commission staff recommends of approval of approved this major infrastructure adaptation project with special conditions.

The new alignment would occur primarily on lands now owned by the Hearst Corporation that would be transferred to Caltrans for the road right-of-way, with the remainder of the land west of the realigned Highway transferred to State Parks, increasing their holdings from what are now only the areas west of the existing highway near the shoreline. As such, the proposed realignment project not only represents an important adaptation strategy to address coastal hazards, but it is also triggers a significant public land acquisition that will ensure protection under State Parks' stewardship of a significant stretch of California's coast for public access, recreation, and scenic values.

Although the proposed adaptation project includes important benefits to coastal resources and natural processes along the shoreline, it is also inconsistent with several Coastal Act and San Luis Obispo County Local Coastal Program (LCP) policies. Namely, the realigned highway is not allowed in wetlands, environmentally sensitive habitat areas (ESHAs), or on agricultural land under the Coastal Act and the LCP, and these inconsistencies would require denial of the project. However, denial of the project would also be inconsistent with the Coastal Act because if the existing highway is left in place, its stability and structural integrity cannot be assured in the face

of the advancing shoreline erosion hazards, eliminating the public's ability to access this important stretch of California's coast. Losing the lifeline link of Highway 1 in this area would create a gap in the coastal transportation system that would require hundreds of miles of inland detours. In cases like these, the Coastal Act allows for such conflicting policy requirements to be resolved in the manner which on balance is the most protective of significant coastal resources. Staff The Commission believes that the proposed project, as conditioned represents the balance that is most protective of coastal resources, including providing for significant restoration along the old and new highway alignments, as well as off-site restoration and enhancement at Arroyo de la Cruz, and construction of significant California Coastal Trail (CCT) improvements along this shoreline. In terms of the CCT, Caltrans has partnered with State Parks in such a way that Caltrans will fund, and State Parks will oversee construction, operation and maintenance of an off-road CCT in the area seaward of the realigned highway. The new realigned highway and these access and restoration commitments form the cornerstone for being able to find the project overall the most protective of significant coastal resources, as required by the Coastal Act.

~~Perhaps the single largest remaining area of disagreement between Caltrans and Commission staff is w~~With respect to the width of the highway pavement itself, ~~which revolves around the appropriate paved shoulder width.~~ Caltrans proposes an eight-foot wide paved shoulder, citing the need to provide adequate space for bicyclists as well as for disabled vehicles. Staff believes Commission staff raised concerns that an eight-foot wide paved shoulder could that this amount of shoulder paving is not sensitive to the overall rural context of this highway and will lead to significant adverse visual impacts as well as increased habitat impacts in this case. Highway 1 in this area is a designated State Scenic Highway, a Pacific Coast Bike Route and an "All American Road," the highest designation under the National Scenic Byways Program. It provides a vital link for recreational travel to and from the Big Sur Coast, as well as the attractions around San Simeon and Hearst Castle and is situated within the viewshed of the vast Hearst Ranch. Part of the allure of this area is the incredible rolling, open-space vistas that are provided from the road, including the vistas of which the historic two-lane roadway is a part. Commission staff believes that the wide shoulders proposed will inappropriately impact coastal views in this area. The Commission found, however, that an respect, particularly introducing a more industrialized look within this bucolic setting, and are not appropriate. Staff also believes that the particular resource constraints of this highly scenic and habitat rich area can support the basis of a design standard exception that Caltrans has the option to provide. Although no shoulder would probably be best from a visual standpoint, staff recognizes the need to both accommodate bicyclists who chose to use the highway route as well as disabled vehicles for safety purposes. To address all of these visual, bicycle, and safety needs, staff recommends that the shoulder be five feet of paved materials and three feet of gravels with prairie grasses. In this way, space is provided outside of the travel lanes for bicyclists (five feet paved) and for disabled vehicles (eight feet of hard area, five feet paved and three feet graveled), but the visual attributes of the area are also accommodated as much as possible by making three feet of the hard area for pulling over an area that is also vegetated similar to the surrounding landscape, thus lessening the impact on views. It is also worth noting that the connecting Coastal Trail additionally will be available for cyclists, especially recreational cyclists, to traverse this segment of the coast, providing an alternative route that can be expected to draw many cyclists off of Highway 1. Caltrans staff does not agree, citing maintenance concerns with the three feet of gravels and prairie grasses, and is of the opinion that the entire eight feet should be paved. Staff continues to believe that the '5 and 3'

~~approach represents the best balance for these competing interests, particularly in light of the significant the natural area within which the highway is located and the unmatched coastal views that the area affords. 8-foot paved shoulder would afford a greater margin of safety and a more enjoyable experience for bicycle riders. It also noted that this realigned highway will accommodate motor vehicles – including large size recreational vehicles – that will be traveling 55 or more miles per hour. Paving the entire 8-foot shoulder would not increase proposed landform alteration, as could be the case along other portions of Highway 1. Thus, the Commission distinguished this highway segment from others that are more sensitive and would be more impacted by 8-foot paved shoulders. The Commission found that the eight-foot shoulder was consistent with the Coastal Act.~~

Remaining issues addressed by conditions of approval include the manner in which past residential development in and along the alignment is to be modified and screened, including modifying underlying CDPs and property restrictions; potential turn pockets for ingress and egress at the parking areas located along the Highway; BMPs for water quality protection; archeological protection; and conditions to ensure that this stretch of coast remains unarmored after the project, including to implement and effect one of the primary objectives and justifications for the project in the first place. In sum, the proposed project represents an important project for Caltrans, the Commission, State Parks, and San Luis Obispo County, as well as the State overall, including as a showpiece of adaptation planning on a large scale and in an extremely unique, coastal resource-rich area. Thus, the Commission approved As conditioned, the project with conditions is consistent with the Coastal Act, ~~and staff recommends approval of the CDP. The motion and resolution are found on page 5 below.~~

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1: Location Map and Aerial Photo of Project Site

Exhibit 2: Site and Parking Photos

Exhibit 3: Project Plans

Exhibit 4: California Coastal Trail Correspondence and Proposed Alignment

Exhibit 5: Proposed Parking Locations and Proposed Parking Layout

Exhibit 6: Visual Simulations of Roadway

Exhibit 7: Landscaping Screening Plan for Private Parcels

Exhibit 8: Shoulder Width Visual Simulations

Exhibit 9: Applicant Habitat Maps

Exhibit 10: Arroyo de la Cruz Conceptual Plan

I. MOTION AND RESOLUTION

Staff recommends a YES vote. Passage of this motion will result in adoption of revised findings as set forth in this report. The motion requires a majority vote of the members of the prevailing side present at the revised findings hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are Commissioners Cox, Duclos, Faustinos, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, and Chair Kinsey.

Motion: I move that the Commission adopt the revised findings in support of the Commission's action on July 11, 2014 approving Coastal Development Permit Number 3-13-012, and I recommend a yes vote.

Resolution: The Commission hereby adopts the revised findings set forth below for Coastal Development Permit Number 3-13-012 on the grounds that the findings support the Commission's decision made on July 11, 2014, and accurately reflect the reasons for it.

Staff recommends that the Commission, after public hearing, ~~approve~~ a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

~~**Motion:** I move that the Commission approve Coastal Development Permit Number 3-13-012 pursuant to the staff recommendation, and I recommend a yes vote.~~

~~**Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-13-012 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.~~

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Scope of Work.** This CDP authorizes the following development subject to the terms and conditions of this CDP:
 - a. **New Highway 1.** Construction of a new Highway 1 roadway and related features (i.e., bridges, drainages, fencing, landscaping, undergrounding of utilities, etc.), as well as associated temporary construction-related development (i.e., grading, trestles, haul roads, etc.).
 - b. **Old Highway 1.** Removal of the existing Highway 1 roadway prism (except for those roadway segments specifically identified for reuse for trail and other recreational access purposes) and restoration of the affected area after roadway prism removal.
 - c. **Habitat Restoration and Enhancement.** Habitat restoration and enhancement at Arroyo de la Cruz.
 - d. **Residential Demolition.** Demolition and removal of two residences (on Sani Parcels 1 and 2, APNs 011-231-013 and 011-231-014), restoration of the affected demolition area, and associated development related to the demolition, removal, and restoration.
 - e. **California Coastal Trail.** Construction of an off-highway California Coastal Trail along with associated development (i.e., grading, landscaping, etc.) and features (i.e., parking areas, signs, bridges, boardwalks, benches, etc.).
 - f. **EIR Avoidance, Minimization and Mitigation Measures.** Implementation of the avoidance, minimization and mitigation measures of the project EIR (SCH# 2008031059) that are consistent with the terms and conditions of this CDP.
2. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of Revised Final Plans for Executive Director review and approval showing all development authorized by this CDP, except for the new California Coastal Trail portion of

the project covered by Special Condition 5. The Revised Final Plans shall be in substantial conformance with the submitted project plans (consisting primarily of plan sheets showing layout, construction details, erosion control, grading, drainage, utilities and planting) and narratives received in the Coastal Commission's Central Coast District Office on August 21, 2013 except that they shall be revised as follows:

- a. **Highway 1 Shoulder Widths.** Shoulders shall be paved and 8 feet wide, ~~with 5 feet of pavement and 3 feet of gravel and prairie grasses at the outer edge~~, with no additional area of shoulder backing. ~~The paved area of the shoulder is allowed to taper at the approaches to the three roadway bridges the minimum amount necessary to match the 8-foot paved shoulders on the bridges.~~
- b. **Northern Alignment Modifications.** The northernmost part of the new roadway (approximately from stations 420 to 449) shall be modified to provide safe ingress and egress to the Northern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design. As part of this evaluation, opportunities for reducing landform alteration and grading to the maximum extent feasible (e.g., through a possible combination of modified cut slopes, narrower cross sections, steeper longitudinal profiles, more road curvature, etc.) should be considered for incorporation into the design.
- c. **Southern Trailhead (Piedras Blancas/Surfer Beach) Parking Access.** Safe ingress and egress to the Southern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes, shall be included in the final plans. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design.
- d. **Fencing.** The inland fence separating the grazing use from the roadway use shall be located no more than 30 feet from the edge of the roadway shoulder, except where additional distance is necessary to allow for maintenance or to protect wetlands, and shall be of a rustic ranch design that meets the specifications and requirements of a commercial grazing operation to prevent cattle from entering the highway. The seaward fence adjacent to State Parks property shall be of a similar rustic ranch design. Caltrans and State Parks shall work cooperatively with the Hearst Corporation to pursue changes to the underlying scenic and conservation easement that applies west of the Highway that will allow for fencing that does not include barbed wire on at least the seaward side of the highway. Caltrans shall submit the Revised Final Plans with evidence of a modified easement agreement or, in the alternative, evidence of their good faith efforts to pursue such changes with the Hearst Corporation. If the easement cannot be modified in this way at this time, then barbed wire may be allowed until the time when the easement is changed. All fences shall be sited and designed so that they integrate seamlessly with the surrounding landscape, and so that they minimize impacts on public views, both to the

maximum extent feasible. A photo simulation of the fencing, as well as product brochures and specifications, shall be included as part of the Revised Final Plans.

- e. **Well Access.** The separate well access entrances for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-017) seaward of the new Highway alignment shall be eliminated and shall be replaced by a single consolidated well access entry route from the new roadway sited and designed to serve intermittent well access. Such well access route shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells.
- f. **Driveway Access.** Driveway access for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-017) inland of the new Highway alignment shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment shall be removed and the area restored to match the surrounding landscape.
- g. **Residential Demolition.** Demolition and removal of the two existing houses and all related development (including associated structural components, landscaping, gates, and all utilities, except for the remaining wells providing water to the home located on APN 011-231-015 and necessary well infrastructure) on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) shall be shown on the Revised Final Plans. Except for (1) the remaining wells, (2) access to the wells (described above), (3) the California Coastal Trail (see Special Condition 5 below), and (4) any associated public access improvements, the portions of these parcels seaward of the new highway shall be restored to wetland habitat to the greatest extent feasible, utilizing natural soil profiles wherever possible and importing clay soils where an impermeable layer is needed for wetland hydrology. The remainder of the undeveloped portions of these parcels not restored to wetland, both seaward and landward of the new highway, other than vegetation screening inland of the Highway if required in this area per the approved Landscape Screening Plans (see Special Condition 3) shall be restored to native coastal prairie. (See also Special Condition 14 (Mitigation and Monitoring Plan)).
- h. **Trail and Parking Accommodation.** The Revised Final Plans shall identify how removal of the existing Highway 1 roadway prism and associated grading and planting shall be carried out in a manner that will not impede or conflict with the location, highway re-use or dimensions of the California Coastal Trail alignment identified in Special Condition 5, including providing evidence that State Parks agrees.
- i. **Parking Facilities.** The Revised Final Plans shall show all vehicle parking facilities, which shall include, at a minimum, preservation of the existing Piedras Blancas Motel Parking Access, establishment of the Southern Trailhead Parking Access at the Piedras Blancas Lighthouse/Surfer's Beach trailhead/lighthouse vista point with no less than 20 spaces, and the Northern Trailhead Parking Access at the existing Arroyo de la Cruz pullout with no less than 30 spaces. The Southern Trailhead Parking Access and the

Northern Trailhead Parking Access shall be surfaced with class 2 road base or similar permeable aggregate material. These two parking areas shall be safely accessible from Highway 1 and shall be constructed by Caltrans. Upon their completion, State Parks shall be responsible for continuous maintenance of these parking areas for the life of the project. The Revised Final Plans shall indicate how safe entry and egress to the highway will be provided for automobiles and bicycles at each parking access. The remainder of the informal pullout area near Arroyo de la Cruz, which contains space for approximately 60 cars adjacent to the Northern Trailhead Parking Access, shall not be modified in any manner that prevents potential future parking improvements at this location. Parking areas shall be sited and designed to minimize impairment of public views from the realigned Highway 1 and the CCT, and shall utilize existing topography, sensitively-designed berms, and/or mottled landscaping to minimize visual impacts while ensuring public views are not significantly impaired. At the Piedras Blancas Motel, all parking and roadway pavement shall be retained as shown on Exhibit 5 to allow for continued public access.

- j. Water Quality Features.** The Revised Final Plans shall be modified to show the following:
1. Vegetated Buffer Strips (VBS) shall be replaced with Biofiltration Strips (BFS) at locations where runoff is directed to wetlands (e.g., from Stations 296+25 to 311+50).
 2. All runoff from bridge decks shall be directed to vegetated slopes or swales (e.g., VBS or BFS).
 3. VBS and BFS near Sani parcels 1 and 2 (APNs 011-231-013 and 011-231-014) shall be modified to conform to the residential demolition and restoration components of the Revised Final Plans.
 4. The permeable filter blanket in the road prism between stations 379+33 and 382+23 shall be increased in height to the extent feasible, in order to maximize the amount of surface water draining to the ephemeral wetland feature, as opposed to directly into Arroyo del Oso.

All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with this condition and the approved Revised Final Plans.

- 3. Landscape Screening Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Preliminary Landscape Screening Plan to the Executive Director for review and approval. Within two years of commencement of construction, the Final Landscape Screening Plan shall be submitted to the Executive Director for review and approval. The Preliminary and Final plans shall indicate the timing of landscaping completion and shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related development on Sani Parcels 1, 2 and 3 and the Welsh parcel (APNs 011-231-013, 011-231-014, 011-231-015 and 011-231-017), as well as any approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail for the life of

the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. The final plan shall identify all plant materials (i.e., size, species, quantity, etc.), all irrigation systems, and all proposed maintenance measures, including providing for modification and adaptation as necessary to achieve required screening. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native species in the project vicinity, to prevent the spread of exotic invasive plant species, and to avoid contamination of the local native plant community gene pool. All landscaped areas shall be continuously maintained in a litter-free, weed-free, and healthy growing condition by the Permittee, and shall be replaced as necessary to maintain compliance with this CDP. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist. All requirements above and all requirements of the approved Landscape Screening Plan shall be enforceable components of this CDP. All requirements above and all requirements of the approved Preliminary and Final Landscape Screening Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Preliminary and Final Landscape Screening Plans.

4. **Maximum Number of Lanes.** The approved highway shall be limited to a two-lane highway in perpetuity as required by Coastal Act Section 30254.
5. **California Coastal Trail.** PRIOR TO CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit written documentation that demonstrates that the Permittee and State Parks have entered into a Memorandum of Agreement (MOA) that is consistent with the requirements of this CDP and its terms and conditions. Prior to State Parks and the Permittee executing this MOA, it shall be submitted for review and approval by the Executive Director. The roles and responsibilities of State Parks and Caltrans under the MOA shall be clearly identified.

Within six months of the Executive Director's approval of the MOA, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access mitigation fee of \$1.4 million has been transferred to State Parks and deposited into a separate, interest-bearing account created solely to implement the MOA described herein. The sole purpose of the funds shall be to construct a segment of the California Coastal Trail (CCT) and directly related public access improvements over the length of the project limits (as described in subsection (a) below). After Caltrans has transferred the \$1.4 million mitigation fee to State Parks, constructed the northern and southern trailhead parking areas and entered into the Executive Director-approved MOA, their obligation toward all aspects of trail construction is finalized except to the extent that the MOA identifies some continuing obligation. Caltrans will not be held responsible thereafter for any aspect of the development, construction, maintenance, environmental compliance (including NEPA/CEQA review, permitting, and mitigation) and any other components toward the completion of the CCT except to the extent that the MOA identifies some continuing obligation. The MOA between Caltrans and State Parks shall comply with the following minimum provisions, which are a requirement of this CDP:

- a. **CCT Scope.** The MOA shall cover all aspects of ensuring that a continuous CCT (an off-highway public trail) and associated public parking is built and opened as soon as possible, but in no case more than 2 years after the realigned Highway 1 is opened. The CCT shall extend from the public parking area nearest the point where the paved surface of the realigned highway segment departs from the existing paved highway surface, to the corresponding point at which it rejoins the existing highway. As identified on submitted plans, these limits are approximately demarcated as Station 303+75, north of Post Mile (PM) 64.0 and the gated entrance to Piedras Blancas Light Station, to Station 432+10 on the existing alignment, south of the existing Arroyo de la Cruz bridge.
- b. **CCT Plans.** The MOA shall provide for Final CCT Plans in compliance with the terms and conditions of this CDP to be submitted by State Parks to the Executive Director for review and approval within one year of the transfer of funds from Caltrans to State Parks for the construction of the trail. The Final CCT Plans shall be in substantial conformance with the draft CCT conceptual plans received in the Coastal Commission's Central Coast District Office on August 21, 2013, as modified to conform to this CDP and its terms and conditions.

The Final CCT Plans shall clearly describe the manner by which public CCT access is to be provided and managed, with the objective of maximizing public access and recreational use and enjoyment of the CCT, including all associated and related elements and amenities (i.e., parking areas, picnic tables, benches, etc.) as described in this special condition. These Final CCT plans shall at a minimum include:

1. **Alignment.** The CCT alignment and the location of the public parking areas shall generally be as shown on the schematic map entitled "California Coastal Trail & State Highway Realignment—Piedras Blancas," prepared by State Parks and dated June 25, 2014 (attached as pages 3-6 of Exhibit 4) and identified as the "Proposed California Coastal Trail". The CCT system includes reuse of certain segments of the existing Highway 1 as generally identified by State Parks in Exhibit 4. The CCT must be continuous, completing the connection between the southern public parking area to the northern public parking area, and connecting to existing blufftop trails. Between the swale north of the Piedras Blancas Motel and Arroyo del Oso, the alignment of the CCT shall be continuous, well-separated from the new highway alignment and generally following the seaward margin of the second-level coastal terrace (at approximately the 36-foot contour on submitted plans where it crosses Sani Parcels 1 and 2 and then clearly connecting across the Welsh Parcel in manner that allows for easy continuity for trail users). State Parks shall specify which culverts north of Arroyo del Oso must be retained for CCT crossings and shall commit to being fully responsible for their maintenance.
2. **Overall Coastal Trail Character.** The CCT shall be designed and aligned so as to provide the impression of a natural surface path in a rural environment with curvilinear features, a compacted but unpaved surface, and widths generally not exceeding 6 feet.

3. **Parking.** The Final CCT Plans shall show all vehicle parking facilities, which shall include, at a minimum, all of the parking facilities described in Special Condition 2 and shown on the approved Revised Final Plans (see Special Condition 2). Upon completion of the parking facilities per the approved Revised Final Plans, State Parks shall be responsible for continuous maintenance of these facilities and related development (e.g., vegetation screening, public use amenities, etc.) for the life of the project. The remainder of the informal pullout area near Arroyo de la Cruz, which contains space for approximately 60 cars adjacent to the Northern Trailhead Parking Access, shall not be modified in any manner that prevents potential future parking improvements at this location. Parking areas shall be sited and designed to minimize impairment of public views from the realigned Highway 1 and the CCT, and shall be at least partially screened with mottled landscaping to minimize visual impacts while ensuring public views are not significantly impaired. At the Piedras Blancas Motel, all parking and roadway pavement shall be retained as shown on Exhibit 5 to allow for continued public access; final trail management plans shall depict how the entire pavement area will be used for current parking and circulation needs, or reserved for future access uses.

4. **Operations and Maintenance Plans.** Operation and maintenance components of the trail plans shall specify that the CCT is available for bicyclist and pedestrian use; that it is open for free public access 365 days a year, except for temporary hazards closings; that it provides for elephant seal protection as necessary; and that it directs users against any hazardous conditions that may be encountered on the trail. Caltrans and State Parks shall work cooperatively with the Hearst Corporation to pursue changes to the underlying scenic and conservation easement that applies west of the Highway that will allow for use of the CCT at night for passive recreational use, but not camping. State Parks shall submit the Final CCT Plans with evidence of a modified easement agreement or, in the alternative, evidence of their good faith efforts to pursue such changes with the Hearst Corporation. If the easement cannot be modified in this way at this time, then the CCT shall be open daylight hours (i.e., one hour after sunset to one hour before sunrise) until the time when the easement is changed to allow passive recreational use at night. State Parks overall management of the CCT system and parking areas, including use of any areas for lighthouse tour staging and the opening of any public uses at the Piedras Blancas Motel Site, shall also be described in these plans. Improvements to support the trail uses such as benches, picnic tables or other developments shall be indicated on the plan.

5. **Signage.** The Final CCT Plans shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the CCT, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to provide clear information without impacting public views and site character. The location of CCT signage and other interpretive signs, including: a description of the CCT connections to the north and the south of the project site; education of visitors about the natural ecology and safe viewing and protection of potential elephant seal haul out areas; and, a discussion

- of the realignment project as an example of the State's adaptive management response to changing conditions from sea level rise, shall be identified on the Final CCT Plans. The proposed content of the signs shall be included in the submitted plans. CCT signage shall include the California Coastal Trail, California Coastal Conservancy, and California Coastal Commission emblems and recognition of Caltrans, State Parks, California Coastal Conservancy, and the Coastal Commission's role in providing public access at this location.
- 6. Elephant Seal Fencing.** Elephant seal-resistant fencing that does not obstruct views shall be provided where needed to avoid conflicts from elephant seals potentially entering public use areas and to protect the marine mammals from harassment and accidents with motor vehicles. The design and placement of such fencing shall be determined in collaboration with the California Department of Fish and Wildlife, the National Marine Fisheries Service and the Monterey Bay National Marine Sanctuary. Due consideration shall be given to maintaining beach access, minimizing visual impacts, and preventing obstruction of wildlife movement of other species. Potential locations include Arroyo del Oso, the wet swale north of the Piedras Blancas Motel, Arroyo del Corral, and Arroyo de los Playanos.
 - 7. Water Quality Protection.** Bridges shall be constructed to extend a minimum of 10 feet beyond delineated wetland boundaries. The trail shall be constructed using standard building techniques that grade the surface to avoid concentration of drainage flows. Where concentrated flows cannot be avoided, appropriate energy dissipation shall be used that favors bio-engineering over hard solutions.
 - 8. Archaeological Resources.** The Final CCT Plans shall provide for archaeological protection via submittal of the same type of plan required for the realignment project pursuant to Special Condition 16.
- c. Additional State Parks Responsibilities.** The MOA shall describe the roles and responsibilities of State Parks as the administrator of the CCT funds. State Parks shall be responsible for complying with any additional permitting requirements from other agencies for the construction of the CCT.
 - d. Reporting.** The MOA shall provide for annual written reports to be submitted by State Parks to the Executive Director of the Coastal Commission on the progress made toward the completion of the overall CCT and parking access improvements until such time that all improvements have been completed and opened to the public as required by this CDP.
 - e. Contingency.** The MOA shall include provisions to address any failure by the Permittee and State Parks to implement the MOA consistent with the requirements of this CDP, including but not limited to transfer of the funds to an alternate Executive Director-approved entity able to construct the CCT as described in the MOA.
 - f. Utilities Undergrounded.** The MOA shall specify that all utility poles at the Piedras Blancas motel, café, and the South Ranger House shall be removed and utilities placed underground. No overhead utility lines shall remain seaward of the realigned Highway 1.

- g. Plan Coordination.** The MOA shall ensure that the Final CCT plans are coordinated with Caltrans final habitat mitigation plans (see Special Condition 14).
- h. Interpretation.** Unless resolved by the Executive Director, any dispute concerning compliance with or interpretation of any provision of the MOA shall be resolved by the Coastal Commission.

Minor adjustments to the MOA and the Final CCT Plans that are in substantial conformance with the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved MOA and the approved Final CCT Plans shall be enforceable components of this CDP. The Permittee and State Parks shall undertake all development in accordance with this condition and the approved MOA and approved Final CCT Plans.

- 6. Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized in order to minimize construction encroachment on all publicly available pathways and beach access points, to have the least impact on public access. In addition, staging and storage areas shall be screened to the extent feasible (through berming, vegetation, or other natural features), shall be located outside important public viewshed areas, and shall be kept neat and orderly at all times.
 - b. Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas, including using unobtrusive fencing (or equivalent measures) to delineate construction areas, and including all methods to be used to protect coastal waters. In addition, the Construction Plan shall specify a construction phasing schedule that minimizes the area of disturbance in a given timeframe, with a description and timeline of significant land disturbance activities.
 - c. Detour Plan.** The Construction Plan shall include a detour plan that provides for continuous safe pedestrian and bicycle access through the project site for the duration of construction.
 - d. Construction-Phase BMPs.** The Construction Plan shall include a BMP plan (which may be in the form of a NPDES-compliant Storm Water Pollution Prevention Plan (SWPPP)) wherein all erosion control/water quality best management practices to be implemented during construction and their location shall be noted, including the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and

sediment basins), and a schedule for the inspection and maintenance of construction-phase BMPs, including temporary erosion and sediment control BMPs. At a minimum, the following BMPs that will be implemented to minimize erosion and sedimentation during construction activities shall be identified:

1. BMPs deployed to stabilize soil during construction.
 2. BMPs deployed to control erosion and sedimentation during construction. Plastic netting shall be prohibited in all erosion and sediment control products.
 3. A schedule for installation and removal of temporary erosion and sediment control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs will be provided. At a minimum, all erosion and sediment controls shall be ready for implementation prior to the commencement of construction and deployed as specified in the BMP Plan.
 4. BMPs will be deployed to minimize land disturbance, avoid inadvertent soil compaction in temporary impact areas, and protect vegetation.
 5. BMPs will be implemented to protect stockpiled soil and other materials.
- e. **Construction Requirements.** The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
1. All work shall take place during daylight hours, with the exception of traffic shifts from the old to new alignment. Lighting of the beach area is prohibited.
 2. Grading shall be minimized during the rainy season (from October 15 through March 15) as much as feasible.
 3. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 4. Equipment washing and servicing shall only be allowed at a designated inland location as noted on the Plan. Vehicle refueling, staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located a minimum of 100-feet outside of coastal waters and wetlands, and to the extent possible, on previously disturbed ground. Stationary equipment such as cranes, motors, pumps, generators, compressors, and welders located within or adjacent to coastal waters or wetlands, shall be positioned over drip pans. Vehicles shall be moved away from the coastal waters and wetlands prior to refueling and lubrication. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.
 5. The construction site shall maintain good construction site housekeeping controls and

- procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
6. Removal of road crossing fills and culverts from drainages on the old highway shall be overseen in the field by a qualified geologist or other expert that specializes in wetland and hydrology alterations, subject to the approval of the Executive Director. The appointed expert shall be authorized to direct and modify excavation activities to ensure natural drainage channels are preserved to the maximum extent feasible. As fill is excavated, original bed and bank elements buried under the fill during construction of the original highway shall be used to identify appropriate excavation limits. To the extent feasible, excavation shall leave the original bed and bank elements (such as cobble, woody debris and substrate) in place, and shall match the original gradient and planform.
 7. The Permittee shall include all applicable CDP terms and conditions within bid solicitations and final contracts for the project work. Contractors shall insure that work crews are carefully briefed on the importance of observing all appropriate precautions to ensure that work is done consistent with the terms and conditions of this CDP. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of remediating violations of this CDP.
 8. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan.

7. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

- a. **Construction Site Documents.** Copies of the signed CDP and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- b. **Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously

posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- 8. Post-Construction Water Quality Management Plan.** PRIOR TO THE ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Water Quality Management Plan (WQMP) for the post-construction project site to the Executive Director for review and approval. The WQMP shall integrate and supplement the information contained in the Storm Water Data Report Long Form (finalized by Marissa Nishikawa, Regional Design SW Coordinator, dated 5/21/2013) and the TBMP + VBS Mapping (Biofiltration Locations by station and Vegetated Buffer Strip Locations), 05 0000 0576-4, supplied by Pete Riegeluth, D-5 SW Coordinator, on June 6, 2014. The WQMP shall include documentation of the items specified in this special condition, including calculations for reduced impervious surfaces on road shoulders, increasing the number or lengths of Biofiltration Strips (BFS), providing BFS vegetated slopes or swales (e.g., VBS or BFS) where runoff leaves bridges, and revising the stormwater BMPs provided at APNs 011-231-013 and 011-231-014. The plans shall incorporate the final location and configuration of long-term post-construction Bio-Filtration Strips (BFS) and Vegetated Buffer Strips (VBS). Minor adjustments to the following requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. The plan shall be in substantial conformance with the following requirements:
- a. BMP Repair and Maintenance.** All BMPs, including Vegetated Buffer Strips (VBS) and Biofiltration Strips (BFS), and energy dissipaters shall be designed, installed, and maintained for the life of the project in accordance with accepted design principles and guidelines, such as those contained in the *Caltrans Stormwater Quality Handbook*. Should any of the project's BMPs fail to effectively arrest erosion, or result in accelerated erosion, the Permittee shall be responsible for any necessary repairs to the BMPs and restoration of the affected area. This requirement shall apply to all BMPs. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new CDP is required to authorize such work.
 - b. Minimum Maintenance Schedule.** At a minimum, all BMPs shall be inspected and cleaned/repaired or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) monthly thereafter for the duration of the rainy season (October 15th - April 30), and cleaned/maintained as necessary based on inspection and, (3) as needed throughout the dry season.
 - c. Proper Disposal.** Sediment and debris removed from treatment BMPs during clean out shall be disposed of in a proper manner.

- d. Irrigation/Fertilizers.** Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- e. Biofiltration Strips.** Biofiltration strips (BFS) shall be sized to treat the amount of runoff produced by all storms up to and including the 85th percentile 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

All requirements above and all requirements of the approved WQMP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved WQMP.

- 9. CCT Access Dedication.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail). The CCT Access Dedication area shall be ambulatory, including that the trail shall move inland if relocation and/or reconstruction of access amenities in these areas is necessary to retain their continuity and/or utility. With respect to the Welsh Parcel, if the Permittee acquires the portion of the Welsh Parcel west of the new Highway right-of-way, then the access dedication shall apply to the acquired property. If the Permittee does not acquire the portion of the Welsh Parcel west of the new Highway right-of-way, then the existing Highway right-of-way area on the Welsh property shall continue to be used as the CCT until one of the following three things happens, whichever comes first: (1) the end of Caltrans' 5- year plant establishment, restoration and monitoring period; (2) the existing highway easement is terminated and the property reverts to the underlying owner of the property through operation of law; or (3) it is no longer suitable for a trail (e.g., it is in danger from erosion, etc.). In addition, PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall dedicate to State Parks a fee interest or easement for lateral public access over the westernmost portion of the new Highway right-of-way. The CCT Access Dedication area shall be of a sufficient width to allow for construction and maintenance of the CCT pursuant to the terms and conditions of this CDP. The CCT Access Dedication shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The CCT Access Dedication shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the CCT Access Dedication area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director.

10. Evidence of CDP Amendments.

- a. Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit

development on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 34; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. Any amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

- b. Welsh Parcel:** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence that the Coastal Commission has amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 4; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. The amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

11. Evidence of Amendments to Recorded Documents. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014, or as may be renumbered), and the Welsh Parcel (APN 011-231-017, including any roadway that reverts to the property, and as may be renumbered), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans, except:

1. Construction of a CCT west of the new Highway 1 alignment right-of-way and associated infrastructure and improvements (e.g. trails, bridges, interpretive signage, restrooms, garbage cans, parking, fencing, etc.).
2. Recreation and associated infrastructure (e.g., low-cost visitor-serving camping, restrooms, parking, signage, support services, etc.).
3. Restoration (all types – wetland, coastal prairie, other).
4. Vegetation screening. Vegetation screening shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related development (e.g., well heads and aboveground infrastructure) on Sani Parcels 1, 2 and 3 and the Welsh Parcel (APNs 011-231-013, 011-231-014, 011-231-015 and 011-231-017), as well as any approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail

for the life of the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. Landscape screening shall be maintained for the life of the project, including replacement of dead or diseased trees and shrubs, irrigation, trimming and pruning and other such care as required to ensure that landscaping will fully screen development, such that no residential development will be visible in public views. The use of vegetation screening shall be limited to that which is necessary to provide the necessary screening.

5. Consolidated access to and maintenance of existing wells from Highway 1. The consolidated well access shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, narrow, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells.
6. Driveway access inland of the new Highway alignment that is be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or other identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment are not allowed.
7. New wells or relocation of wells inland of existing wells, subject to CDP requirements.
8. A water storage tank, water well, septic system, underground utilities, drainage, landscaping, fire protection measures, and agricultural uses, all subject to obtaining necessary permits.
9. All utilities shall be placed underground.

The recorded documents shall include a legal descriptions of Sani Parcels 1 and 2, and the Welsh Parcel, and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the areas restricted by the applicable deed restriction. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, including, but not limited to: (a) Deed Restriction number 2005-089950 recorded in the San Luis Obispo County Recorder's Office on October 25, 2005; (b) the Mitigation Agreements recorded as document numbers 1994-072466, 1997-019825, and 2008-025068 in the San Luis Obispo County Recorder's office on December 20, 1994, April 21, 1997 and May 14, 2008, respectively; (c) The Covenants, Conditions & Restrictions and Agreement for Pedestrian, Equestrian and Drainage Easements recorded as document number 2008-034839 in the San Luis Obispo County Recorder's office on July 8, 2008; (d) OTD and acceptance of lateral access; (e) Deed Restriction recorded as document number 2008-040425 in the San Luis Obispo County Recorder's office on August 5, 2008; (f) The "Agricultural, Scenic and Conservation Easement" and "Resolution # 2002-109" recorded as document numbers 2002020772 and 2002021797 in the San Luis Obispo County Recorder's office on March 14, 2002 and March 18, 2002 respectively, and; (g) Deed

Restriction recorded as document number 2002020744 in the San Luis Obispo County Recorder's office on March 14, 2002.

- 12. Other Agency Approvals.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, including by the U.S. Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Wildlife. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- 13. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 14. Mitigation and Monitoring Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a revised Mitigation and Monitoring Plan (Habitat Restoration Plan) that covers on-site and off-site mitigation, including Sani Parcels 1 and 2 and the Welsh Parcel in the case it and/or an interest in it is acquired by the Permittee that requires and/or allows for mitigation work on it, to the Executive Director for review and approval. The plan shall at a minimum include:
- a. Introduction.** Overview of proposed on-site and off-site mitigation, and figures and exhibits including location maps, proposed project site plans, maps of existing biological resources, and maps comparing existing vs. future site conditions.
 - b. Goals of on-site and off-site mitigation.** A clear statement of the goals of the mitigation, including the desired habitat (including provisions for central (Lucian) coastal sage scrub that will be impacted by the project), major vegetation components (emergent wetland, arrow willow riparian, coastal stream, coastal prairie, and central coastal sage scrub), hydrological regime for wetlands, and wildlife support functions. There shall be a clear narrative description of the characteristics of the habitat type that the on-site and off-site mitigation is intended to provide.

- c. **Characterization of the Desired Habitats.** Although the characteristics of the model habitat may be based on descriptions in the literature, the best approach is to identify an actual habitat that can act both as a model for the required mitigation and as a reference site for developing success criteria. Reference habitats should be sampled using the methods that will be applied to the mitigation sites. The resultant data shall be included in the Mitigation and Monitoring Plan.
- d. **Description of Existing Habitats.** The Mitigation and Monitoring Plan shall include descriptions of existing biological resource conditions.
- e. **Grading Plan.** If there is a component to the plan that requires topographic alterations, a formal grading plan covering each such area shall be included.
- f. **Erosion Control.** Methods to control erosion and maintain water quality shall be included for any activities where soil or other substrate will be significantly disturbed for any reason.
- g. **Weed Eradication Plan.** One of the greatest threats to the success of mitigation (enhancement, restoration, creation) projects and for management of natural habitats is invasion by exotic species. The Mitigation and Monitoring Plan shall include plans for weed eradication for both on-site and off-site mitigation. After the initial mitigation work has taken place, weeding should be very frequent (usually monthly and then quarterly as interim performance criteria are achieved) and intense until the native vegetation is sufficiently well-established to resist continued colonization by exotics.
- h. **Planting Plan.** The Mitigation and Monitoring Plan shall identify the natural habitat types that are the model for mitigation (and any planned enhancement, restoration, and/or creation) and describe the desired relative abundance of particular species in each habitat type that is to be enhanced, restored, or created. Based on these goals, the Mitigation and Monitoring Plan shall identify the species that are to be planted (i.e., the plant “palette”), and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. Any plant propagules used shall come from local native stock. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are produced in California from the counties of San Luis Obispo, Santa Barbara, or Monterey, and are not cultivars, and the planting plan shall provide specifications for preparation of nursery stock (e.g., container size and shape to develop proper root form, hardening techniques, watering regime, etc.). Technical details of planting methods (e.g., spacing, micorrhyzal inoculation, etc.) shall also be included.
- i. **Irrigation Plan.** If supplemental watering is planned, the method and timing of watering should be described. All irrigation infrastructure must be removed by the end of the monitoring period.
- j. **Annual Monitoring Plan.** Annual monitoring shall cover maintenance and remediation activities, assessment methods, interim performance goals, and schedule. In general, visual monitoring shall be approximately monthly until plants are established and then quarterly thereafter. Weeding shall be frequent (at least monthly) until plants are

established and then quarterly thereafter. Photographs shall be taken from fixed points on fixed azimuths during each monitoring period. Quantitative monitoring shall take place at least once a year.

- k. Final Monitoring Plan.** Final monitoring is intended to determine whether the mitigation (enhancement, restoration, and/or creation) has been successful. In order to help insure that the habitats are self-sustaining, the Mitigation and Monitoring Plan shall provide that final monitoring for success shall take place after at least 5 years. The Final Monitoring Plan shall include specific ecological performance or “success” criteria that relate logically to the goals of the required mitigation (enhancement, restoration, and/or creation). Generally, these criteria must include standards for species diversity of both perennial and annual plants, and vegetative cover. Success criteria shall insure that the major structure-producing species that characterize the habitats are present and that there is an appropriate diversity of species in the vegetation layers of each habitat type. Habitat elements necessary for particular wildlife species shall be specified in such criteria. For wetlands, such criteria shall include hydrological criteria.
- l. Basis for Selection of Performance Criteria.** The basis for the selection of each performance criterion shall be explained. Commonly, performance criteria take the form of, for example, “85% vegetative cover at the end of 5 years” without explanation, and this is not satisfactory without appropriate justification. For some habitat types, this is too high, and for others it is too low. There must be some empirical basis for the selection of each performance criterion.
- m. Types of Performance Criteria.** Where there is sufficient information to provide a strong scientific rationale, the performance criteria may be absolute or fixed (e.g., a specified percentage ground cover or relative diversity of species, or a specified average height for a species). Alternatively, relative performance criteria may be specified. Relative criteria are those that require a comparison of the mitigation (enhanced, restored, and/or created) sites with appropriate reference sites to be compared at the same time each year. In the case of relative performance criteria, the rationale for the selection of reference sites shall be described. These sites must be selected and identified in the Mitigation and Monitoring Plan. In addition, a preliminary field sample shall be taken and the results included in the plan.
- n. Procedure for Judging Success.** Regardless of whether performance criteria are absolute or relative, the comparison procedure, and the basis for judging differences to be significant must be specified. If the comparison requires a statistical test (e.g., a one-sample or two-sample t-test), the test shall be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted.
- o. Formal Sampling Design.** The design of the field sampling program shall relate logically to the performance criteria and chosen methods of comparison. The sampling design and the sampling methods shall be described in sufficient detail to enable an independent scientist to duplicate it.

- p. Final Monitoring Report.** A final monitoring report shall be submitted for the review and approval of the Executive Director at the end of the monitoring period (i.e., at least 5 years with no remediation or maintenance activities other than weeding). The final report shall be prepared by a qualified ecologist. The report must evaluate whether the required management, enhancement and/or restoration has achieved the goals and success criteria set forth in the approved Mitigation and Monitoring Plan.
- q. Provision for Possible Further Action.** If the final monitoring report indicates that the project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the approved success criteria. The revised plan shall be processed as an amendment to the coastal development permit unless the Executive Director determines that no permit amendment is required.
- r. Public Access Improvements.** The final Mitigation and Monitoring Plan shall not include restoration planting in areas to be developed with the trail or parking, as required by Special Condition 5.

All requirements above and all requirements of the approved Mitigation and Monitoring Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Mitigation and Monitoring Plan.

- 15. No Future Armoring.** By acceptance of this Permit, the Permittee agrees, on behalf of itself and all successors and assigns, that no shoreline armoring (including but not limited to seawalls, revetments, groins, etc.) shall be constructed to protect the development approved pursuant to this CDP (including but not limited to the realigned highway, CCT, and associated drainage features) in the event that such development is threatened with damage or destruction from episodic and/or long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, other natural hazards, and the interaction of same in the future. By acceptance of this Permit, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such armoring that may exist under Public Resources Code Section 30235 or San Luis Obispo County LCP Hazards Policy 4. Notwithstanding the above, the Permittee retains all rights to conduct all necessary emergency work as allowed and required by law, and nothing in this condition or Permit precludes the Permittee from fulfilling and performing its statutory responsibility to seek necessary permits to construct, improve, maintain and provide for use of Highway 1 in the face of such emergency.

- 16. Archaeological Resources.** PRIOR TO THE ISSUANCE OF THE CDP, the Permittee shall submit two copies of an archaeological mitigation and monitoring plan prepared by a qualified archaeologist for review and approval of the Executive Director. The Plan shall provide for an archaeological monitor to be present during all ground disturbing activities for the road realignment that will take place within areas of high archaeological sensitivity (i.e., location at and near the three site areas that were evaluated and found ineligible to the National Register of Historic Places (NRHP). Additionally, the Plan shall provide for weekly inspections of the overall project area by the archaeological monitor to identify additional areas where there may be high archeological sensitivity and where the archaeological

monitor must also be present during all ground disturbing activities. The Plan shall also include a description of monitoring methods, including provisions for a pre-project survey that includes consultation with qualified local Native Americans, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. The Plan shall include a list of the personnel involved in the monitoring activities and their qualifications, and shall include qualified local Native Americans as project monitors as applicable. At a minimum, the Plan shall provide for the following:

- a. Training.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.
- b. Halt Construction.** SHOULD ARCHAEOLOGICAL RESOURCES BE ENCOUNTERED DURING ANY CONSTRUCTION, all activity that could damage or destroy these resources shall be temporarily suspended until a qualified archaeologist has examined the site and mitigation measures have been developed, including in consultation with the Native American community as applicable, that address and proportionately offset the impacts of the project on archaeological resources.
- c. Monitor.** DURING ALL GROUND DISTURBING ACTIVITIES, the Permittee shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities as described above. The Permittee shall also include qualified local Native Americans as project monitors as applicable. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource, and a new plan shall be submitted that avoids such resources that shall be submitted for the review and approval of the Executive Director.

All requirements above and all requirements of the approved Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Plan.

- 17. Landowner Authorization.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall provide written evidence, for the review and approval of the Executive Director, that all other owners of property on which development authorized by this CDP will take place: (1) have provided the Permittee with the legal authority to undertake development on their property pursuant to the terms and conditions of this CDP; (2) have acknowledged that, as landowner of property on which a portion of the development covered by this permit will be undertaken, is bound by all terms and conditions of the CDP applicable to the portions of the project occurring on their property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Project Location

The proposed project is located along the northern San Luis Obispo County coast. The main project component is relocation of a 2.8 mile stretch of Highway 1 inland – still parallel to but farther away from the coast. The realignment would branch off from the existing roadway about 1,400 feet north of the Piedras Blancas Lighthouse driveway and re-connect with the existing roadway just south of the Arroyo de la Cruz Bridge. The alignment would follow a curvilinear path, varying in distance inland from the existing alignment between about 80 feet at the narrowest point to about 475 feet at the widest.

The new alignment would occur primarily on lands now owned by the Hearst Corporation that are slated to be transferred to Caltrans and State Parks after project completion. A number of components of the Hearst Conservation Easement Agreement (Agreement), a multi-party compact (including the State of California and the Hearst Corporation) that was negotiated in the early 2000s, set the stage to allow for this realignment. Using Transportation Enhancement funding from the Interregional Transportation Improvement Program (ITIP), Caltrans contributed to the Hearst Agreement by purchasing a Deed of Scenic Conservation Easement over 832 acres of agricultural and open space land (West Side Public Ownership Area). In connection with this, an Agreement and Irrevocable Offer to Dedicate by Gift from Hearst provided an area approximately 500 feet wide to the east of existing Highway 1 for realignment of the highway in areas prone to coastal erosion. Slightly over 500 acres of "Highway Realignment Areas" between Ragged and San Simeon Points in the northern-most stretch of San Luis Obispo County were identified, of which approximately 100 - 150 were for this particular realignment project. In addition, the proposed new alignment would also cross three separate residential parcels, two that Caltrans has acquired (hereafter referred to as Sani Parcels 1 and 2) and one (hereafter referred to as the Welsh Parcel) that Caltrans is in the process of acquiring, at least in part, for right of way to construct the realigned highway. Other components of the proposed project, such as road removal and habitat restoration, would occur on land currently owned by, or to be transferred to, the California Department of Parks and Recreation (State Parks).

Highway 1 in this area is a designated State Scenic Highway, a Pacific Coast Bike Route and an "All American Road," the highest designation under the National Scenic Byways Program. It provides a vital link for recreational travel to and from the Big Sur Coast, as well as the attractions around San Simeon and Hearst Castle. All public access trailheads north of San Simeon are dependent on access via Highway 1. These scenic and recreational qualities are cornerstones of the local and regional economy. But, advancing shoreline erosion threatens the continuity of the highway and the associated public access along the coast.

Please refer to Exhibit 1 for a Location Map and for an aerial photo of the project site.

Project Background

The main purpose of the project is to maintain Highway 1 as a functional transportation thoroughfare. The shoreline within the project limits has receded at an average rate of 24 inches

per year since 1957. Placement of rock slope protection in several locations along the shoreline has been required to prevent failure of the roadway and to maintain access along the coast. Given ongoing erosion, the realignment project is designed to be a long-term solution that will avoid the need for more protective measures.

In recognition of the need for a longer term solution to shoreline erosion issues, and in response to conditions that the Coastal Commission placed on a series of permits and permit amendments allowing for rock slope protection of the threatened highway in the late 1990s, Caltrans initiated this realignment with the release of a Project Study Report in 2001. The long-term planning for the highway also was incorporated into the Hearst Agreement, through which the Hearst Corporation, the American Land Conservancy and the California Rangeland Trust partnered with the State to preserve 128 square miles of coastal prairie rangeland, including 18 miles of spectacular coastline along scenic Highway 1.

The Agreement resulted in more land coming under public ownership, including the location of the realignment and the land to the west of it, while the land to the east of the alignment remains as private Hearst Ranch property. Within the area available for realignment, various alternatives were considered. The currently proposed alignment (termed “Alignment #2”) was selected as the preferred alternative because it was the only alignment that would avoid important cultural resources, and it would impact the fewest number of sensitive plant species.

Proposed Project

The proposed project consists of various components (please see Exhibit 3 for project plans):

- **New roadway:** The main feature of the proposed project is a new segment of highway. The new roadway is proposed to have 40 feet of pavement over its 2.8 mile length consisting of two 12-foot-wide travel lanes and two eight-foot-wide paved shoulders (described as available for cyclist and pedestrian use). Beyond the paved area, a three-foot-wide unpaved shoulder backing is proposed on each edge of the roadway, as well as drainage features and fences at the boundaries of the right-of-way. Other components of the new roadway include three bridges spanning arroyos and wetlands, about 16 culverts, six new driveway entrances, and utilities moved to the inland side of the proposed realignment or placed underground. Project work will involve grading, re-contouring and re-vegetation.
- **Temporary construction features:** In order to construct the new roadway some temporary developments are proposed. Two arroyo crossings along the existing highway will be widened. A temporary trestle will be installed at these two arroyos from which two of the new bridges will be constructed. Temporary haul roads between the existing and new alignment will be graded and fenced off. Construction staging and soil stockpiling may occur on the west side of the existing road just south of Arroyo de la Cruz, and on two parcels that Caltrans recently acquired from a private owner, referred to in this report as Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014), and along the route of the proposed new roadway.
- **Removal of old highway:** The section of the old highway replaced by the new roadway alignment will be abandoned as a motor vehicle route and the old highway will be mostly removed. The land in this area will be re-graded to match surrounding contours and re-vegetated with soils containing coastal prairie seed. (This old highway restoration work is referred to as

“on-site mitigation.”) Excess material will be disposed of or used at a location determined by the project contractor. Retained portions of the old highway will be made available for public access, for a coastal trail, parking and other related State Park amenities.

- **Off-site mitigation project:** An off-site compensatory wetland and coastal prairie restoration project at Arroyo de la Cruz will include grading to create a wetland complex and to direct additional surface water flow through the mitigation site. Additional features of the project include the creation of a potential breeding area for California red-legged frogs (CRLF) (0.1 acre), freshwater marsh wetlands (~ 2.5 acres), riparian (~ 0.07 acres), ephemeral coastal prairie wetlands (~ 2.7 acres), coastal prairie (~ 10 -12 acres), potential coastal scrub, and the removal of an existing agricultural swale.
- **Demolition of residences and site restoration:** There are two homes in the vicinity of the proposed right of way (on the Sani Parcels 1 and 2) that will be demolished in order to build the proposed project. One of the homes is directly in the alignment and will be demolished early in the process, but the second home is outside of the construction limits and may be used as a resident engineer office during construction and then demolished. The buildings, concrete footings, foundation, sidewalks, curbing, any other concrete items, stormwater systems, septic systems, water storage tanks and propane tanks serving the two residences will be removed, and utilities will be abandoned.

Two of the four existing Sani wells will be capped. The two other wells will remain as a water source for the remaining home on Sani Parcel 3 (APN 011-231-015). New underground electrical lines and telephone lines will be placed within the new roadway right-of-way to serve that residence as well as the residence on the Welsh Parcel. Also, native vegetation will be planted to screen the remaining residential development. The driveway on the west side of the proposed alignment is proposed to remain for accessing the wells and will be surfaced with a compacted, natural material.

Associated Developments

There are other developments associated with the proposed project that were not included in the original application. Action on this permit will affect these in the following manner:

- **Construct a new section of the California Coastal Trail:** Although Caltrans has not explicitly included trail construction in the application, Caltrans has been in active negotiation with State Parks about the trail and has pledged cooperation in facilitating its construction. For example, in a letter of June 22, 2010 Caltrans staff commits, “Caltrans will continue to coordinate with State Parks and other agencies in their efforts to develop the coastal trail.” The application does include some restoration of the old highway that will facilitate the trail as described above and the trail will be partially on what is currently Caltrans property. As is typical with projects that lack such necessary access to find them approvable, this permit is conditioned for the trail (see Special Conditions 1(f) and 5 and the “Public Access and Recreation” section below). State Parks has carefully evaluated various options and worked extensively with Commission staff to identify an appropriate general alignment for the trail west of the new highway. Caltrans has also formulated a detailed cost breakdown for all necessary construction components, including bridges and boardwalks. Caltrans’ environmental documents described all of the resources within the overall project boundary, including the area where the

trail will be located. Final trail plans as prescribed by special conditions to this permit will come to the Executive Director for review and approval as a condition compliance matter.

- **Possible additional house demolition:** The proposed roadway will traverse the Welsh residential parcel (APN 011-231-017). Caltrans and the property owner are engaged in eminent domain proceedings which will determine whether the house on that parcel will remain or be removed. If the house remains, there may have to be changes to ancillary residential developments, such as a relocated septic leach field. Since the permit that was previously issued by the Coastal Commission for the home will require subsequent amendment in any event (see next bullet), the final disposition of the residence and related developments that will be required as a consequence of this permit (such as site improvements or demolition) can be addressed at that time.
- **Adjust requirements of previous permits affecting subject site:** As described in the subsequent findings, a segment of the project will occur on parcels subject to previous coastal permits that contain restrictive requirements affecting the proposed right-of-way. Therefore, it will be necessary for the Commission (re: Welsh A-3-SLO-00-119) and the County (re: Sani COAL 90-137 as reconsidered and amended, D010029P, MUP D020333P) to amend those permits. This permit's findings and conditions present the rationale and process for authorizing those changes.
- **Remove rock slope protection:** The Commission, along with other regulatory agencies, has approved temporary rock slope protection to protect the existing roadway (which is threatened with erosion) at Rocks I and Rocks II, just north of the former Piedras Blancas Motel (CDPs 3-97-039 and 3-07-030). These permits require that the rock be removed by 2017 or when the highway realignment project is complete, whichever comes first. Rock removal will be authorized through these respective permits.
- **Provide access to the former Piedras Blancas Motel site:** State Parks is planning a future project to convert the former Motel and grounds into overnight accommodations, including a mix of campsite types. Part of the currently proposed project is an extended accessway to connect the site of the overnight accommodations to the new Highway One alignment. Another part of the proposed project is to leave in place portions of the existing highway that can be used for access and parking at the new overnight facility. The proposed new campground complex will require a coastal permit from San Luis Obispo County.

B. STANDARD OF REVIEW

The proposed project area located is within both San Luis Obispo County's coastal permit jurisdiction and the Commission's retained CDP jurisdiction area. Pursuant to Coastal Act section 30601.3, the County has requested that the Commission process the entire permit. The Applicant, the County, and the Commission (through its Executive Director) have all agreed to process the required CDP as a consolidated CDP application before the Commission (pursuant to Coastal Act Section 30601.3). Thus, the standard of review for this proposed project is the Coastal Act with the San Luis Obispo County's Local Coastal Program (hereafter referred to as the "LCP") being used for guidance.

C. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” Part of the proposed project is located seaward of the first through public road (Highway 1). Coastal Act Sections 30210, 30211, 30212, 30213, 30214, 30221 and 30252 specifically protect and affirmatively require provision of public access and recreational opportunities. In many instances, the Commission has considered providing a statewide coastal trail along the shoreline as a key means of meeting a number of Coastal Act public access policies. In particular:

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

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

Section 30212.(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. ...*

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

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

(1) Topographic and geologic site characteristics.

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

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

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

for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. ...

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

Section 30252(3). *The location and amount of new development should maintain and enhance public access to the coast by... providing non-automobile circulation within the development.*

Coastal Act Section 30240(b) also protects parks and recreation areas, such as State Parks land. Section 30240(b) states:

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

In addition, the Coastal Act also requires other agencies to support compliance with Coastal Act policies (including public access policies) as follows:

Section 30003. *All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.*

Section 30609.5.

(a) Except as provided in subdivisions (b) and (c), no state land that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, or that the commission has formally designated as part of the California Coastal Trail, shall be transferred or sold by the state to any private entity unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea. In any transfer or sale of real property by a state agency to a private entity or person pursuant to this section, the instrument of conveyance created by the state shall require that the private entity or person or the entity or person's successors or assigns manage the property in such a way as to ensure that existing or potential public access is not diminished. The instrument of conveyance shall further require that any violation of this management requirement shall result in the reversion of the real property to the state.

(b) This section shall not apply to the transfer of state land to a non-profit organization that exists for the purposes of preserving lands for public use and enjoyment and meets the requirements of subdivision (b) of Section 831.5 of the Government Code.

(c) Notwithstanding the provisions of subdivision (a), state lands between the first public road and the sea, that are under the possession and control of the Department of Parks and Recreation or the State Coastal Conservancy, may be transferred or sold if the department or the conservancy makes one or more of the following findings at a noticed public hearing relating to the transfer or sale of the property:

(1) The state has retained or will retain, as a condition of the transfer or sale, permanent property interests on the land providing public access to or along the sea.

(2) Equivalent or greater public access to the same beach or shoreline area is provided for than would be feasible if the land were to remain in state ownership.

(3) The land to be transferred or sold is an environmentally sensitive area with natural resources that would be adversely impacted by public use, and the state will retain permanent property interests in the land that may be necessary to protect, or otherwise provide for the permanent protection of, those resources prior to or as a condition of the transfer or sale.

(4) The land to be transferred or sold has neither existing nor potential public accessway to the sea.

(d) Nothing in this section shall be construed to interfere with the management responsibilities of state resource agencies, including, but not limited to, the responsibilities to ensure public safety and implement the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(e) As used in this section, "state land" means any real property in which the state or any state agency has an ownership interest including, but not limited to, a fee, title, easement, deed restriction, or other interest in land. It does not include land in which a city, county, city and county, or district has an ownership interest.

(f) Nothing in this section is intended to restrict a private property owner's right to sell or transfer private property.

Moreover a number of local governments' LCPs (including San Luis Obispo County's LCP) and other related documents also support a statewide coastal trail along the shoreline. Although the Coastal Act is the standard of review for this project, the County's LCP is advisory and provides geographic context for policy implementation. The following are some of the applicable LCP policies and standards:

The LCP provides in *San Luis Obispo Coastal Plan Policies* Shoreline Access, Policy 12 Comprehensive Public Access Planning:

...2. California Coastal Trail. The Access Component shall include a Public Trails Plan to facilitate future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the 2002 Periodic Review for development of:

a. Planning objectives

b. Siting and Design policies and standards, subject to thorough and specific environmental review; and

c. Acquisition and management policies and standards.

3. Protection of Access Opportunities during Road Realignments. The Access Component shall consider realignment alternative for Highway One and other roads critical to coastal access, and ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new access opportunities are maximized. Further, consider alternatives for the realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of the highway.

The LCP also provides in *San Luis Obispo County Local Coastal Plan North Coast Area Plan*, General Goal 18:

Public Access to the Shoreline: Provide for public access, consistent with the need to protect natural resource areas from overuse, by:

Maximizing public access to and along the coast through the following:...

2. Developing a Coastal Trail through the Communities;

Developing all other feasible pedestrian circulation systems in the coastal zone, consistent with other public access goals of the plan;...

4. Providing a bike path system for the Planning Area...

Requiring new development between the nearest public roadway and the shoreline and along the coast to provide public access consistent with sound resource management and consistent with public safety, military security needs, and the protection of fragile coastal resources.

The following additional State mandates and local responses are also relevant to public access in the project area:

California Public Resources Code Section 31408(b) states:

To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the [Coastal] conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail.

Furthermore, Caltrans' own management directive requires that all mobility modes be adequately included. For example, Caltrans Deputy Directive DD-64-R1 states:

The intent of this directive is to ensure that travelers of all ages and abilities can move safely and efficiently along and across a network of "complete streets."

State and federal laws require the Department and local agencies to promote and facilitate increased bicycling and walking. California Vehicle Code (CVC) (Sections 21200-21212), and Streets and Highways Code (Sections 890 – 894.2) identify the rights of bicyclists and pedestrians, and establish legislative intent that people of all ages using all types of mobility devices are able to travel on roads. Bicyclists, pedestrians, and nonmotorized traffic are

permitted on all State facilities, unless prohibited (CVC, section 21960). Therefore, the Department and local agencies have the duty to provide for the safety and mobility needs of all who have legal access to the transportation system.

- *Ensure bicycle, pedestrian, and transit user needs are addressed and deficiencies identified during system and corridor planning, project initiation, scoping, and programming.*
- *Collaborate with local and regional partners to plan, develop, and maintain effective bicycle, pedestrian, and transit networks.*
- *Consult locally adopted bicycle, pedestrian, and transit plans to ensure that State highway system plans are compatible.*
- *Ensure projects are planned, designed, constructed, operated, and maintained consistent with project type and funding program to provide for the safety and mobility needs of all users with legal access to a transportation facility.*

California Senate Bill 908 mandated production of the document, *Completing the California Coastal Trail*. Map 4 of that report depicts the coastal trail as running along the coast in the area of the proposed project. Physical access to the ocean and beach areas is emphasized. The trail should be located "*as close to the ocean as possible...*" (pg. 8). Another policy in this document states:

Wherever feasible, the Coastal Trail should be within sight, sound, or at least the scent of the sea. The traveler should have a persisting awareness of the Pacific Ocean. It is the presence of the ocean that distinguishes the seaside trail from other visitor destinations." (pg. 15)

California Assembly Bill 1396, embodied in Government Code Section 65080.1, requires regional transportation plans to provide for the Coastal Trail. In compliance with this legislation, San Luis Obispo Council of Governments' (SLOCOG) *2010 Regional Transportation Plan and Preliminary Sustainable Communities Strategy* provides, in part:

NM 6. Encourage the development of boardwalks, Class I and II bikeways, and recreational trails that travel through and connect to scenic areas or other recreation destinations in both the Coastal Trail and Anza Trail Corridors; encourage joint projects with Santa Barbara and Monterey counties and state parks to provide bikeways linking the two areas (p. 6-4)

SLOCOG will continue to focus on regional segments of the California Coastal Trail and the Juan Bautista de Anza trail corridors. Projects in these corridors include the San Luis Obispo Northern Coastal Trail Plan, which will commence in the short term (0-5 years), ...

California Coastal Trail

The 1200 mile California Coastal Trail extends the length of California (passing through 15 counties in the state). In San Luis Obispo County, the trail extends north through the Guadalupe-Nipomo dunes, the Oceano Dunes, Grover Beach, Pismo Beach, Avila Beach, Montana de Oro State Park, the community of Los Osos, Morro Bay, Cayucos, Cambria, San Simeon and north into Monterey County. The California Coastal Trail has the support of Coastwalk, an organization that promotes the Coastal Trail, provides tours, and recruits volunteers to assist with trail maintenance. In addition the California Coastal Trail is

eligible to receive funding from the California Coastal Conservancy for planning and/or construction projects along the corridor. Additionally, north of San Luis Obispo, Highway One is a National Scenic Byway and is eligible for Federal Byway grants as well. Projects on the corridor:...

In 2010, SLOCOG is funding and managing a Coastal Trail Plan for the corridor from the Estero Bluffs north of Cayucos to the County line, in collaboration with the California Coastal Conservancy and California Department of Parks and Recreation. This, like all activities related to the Coastal Trail in San Luis Obispo County, will include the involvement of the California Coastal Commission and Caltrans, as well, and meets the requirements Section 65080.1 of the Government Code. This trail plan will identify completed segments, trailheads, and existing amenities, as well as providing feasibility study of future segments. (pp. 6-12 – 6-13)

Open Space Protection and Land Acquisitions

Land acquisitions such as the Hearst Ranch acquisition...are important components of building a future trail network for the coastal trail. ... (p. 6-14)

The main objectives of the aforementioned *Northern San Luis Obispo County Coastal Trail Master Plan* are:

- *A continuous paved bike route along Highway 1 through the Study Area;*
- *A continuous pedestrian route along the coast ideally separated from Highway 1. This may be paved or unpaved depending on local conditions and preferences, and potentially could accommodate mountain bike and/or equestrian use, and dog access, depending on location;*
- *Connecting trails to local destinations, including beaches, to provide a complete regional trail network. (Section 1.3.1)*

The *Northern San Luis Obispo County Coastal Trail Master Plan* describes the coastal trail in the area of the proposed project as follows:

Segment 2-3: Highway 1 Realignment Area - Arroyo de la Cruz to Piedras Blancas Lighthouse (Approx. 3.0 mi)

This segment consists of the Highway 1 realignment project, which Caltrans is planning and designing in coordination with DPR. The improvements are summarized in this Master Plan, but are a separate project and process that is already underway.

DPR Plan for Realignment Area

- 1. Staging Area at Piedras Blancas Motel site – coordinate use of parking areas with redevelopment of the motel,*
- 2. Construct approximately 2.8 miles of gravel/decomposed granite surface multi-use trail*
- 3. 4 trail bridges – 35 to 95 feet long*
- 4. 210 feet of boardwalk*
- 5. Add CCT signs*

Figure 1-3: Segment 2 Recommended Improvements of the *Northern San Luis Obispo County Coastal Trail Master Plan* illustrates the location of the proposed CCT, which is mostly to be for multi-use, and located on or parallel to the *existing* bluff-edge Highway 1 alignment.

Analysis

Transportation Context - motor vehicle, bicycle and pedestrian public access modes

State Highway Route 1 comprises the key transportation corridor along the northern San Luis Obispo County coast. A predominant function is its value as one of the State's premiere recreational travel routes. It links Cambria and San Simeon to Monterey County, and is the southern gateway to the Big Sur Coast. It is designated an "All-American Highway," which is the Federal Highway Administration's highest level classification for National Scenic Byways. Together with the adjoining National Scenic Byway segment of Highway 1 along the Big Sur Coast, its scenic and recreational attributes make it a resource of state and national significance. In fact, these two segments represent approximately ten percent of the number of All-American Highway miles nationwide.

The portion of Highway 1 currently under consideration for this project extends a distance of approximately three miles on its existing alignment between Piedras Blancas Light Station and Arroyo de la Cruz. It closely parallels the sea, providing a highly scenic driving and bicycling experience along the coastal bluff. For most visitors, it provides the only feasible route for reaching the beaches and scenic viewpoints along this part of the coast. And, for those areas where there is no existing bluff-edge footpath, it currently functions *de facto* as part of the California Coastal Trail (CCT) alignment. Accordingly, Highway 1, on its *existing* alignment constitutes a critical public access resource.

The proposed realignment of the highway will substantially impact this existing coastal public access resource because it will move the highway inland, away from the sea. However, the proposed realignment strategy, in combination with other measures that will provide for re-use of the abandoned highway alignment where feasible, has the potential to make this route and its recreational amenities sustainable over the long run. Different types of access are affected in different ways by various aspects of the proposed project. Most relevant to this project are motor vehicle, bicycle and pedestrian public access modes for movement *along* the coast, and related beach access *to* the coast. To achieve consistency with the Coastal Act, it is necessary to assure that each of these modes is appropriately addressed, and that those measures necessary to bring the project into conformance with applicable policies and standards are incorporated in the final project design.

Maximum Access: Overview

A principle reason for this project is that the ongoing erosion of the shoreline threatens to undermine the current bluff-edge alignment of State Highway Route 1. The proposed realignment will protect the highway's vehicular recreational travel function by providing continuity of access along the northern SLO County coast and beyond to the Big Sur Coast. However, in moving the alignment inland (up to approximately 475 feet in some places), the highway will become separated from the beaches, overlooks and shoreline access points that are presently directly available to the traveling public.

The net effect is that existing public access opportunities would be diminished in several important ways unless offset with measures that will serve to maximize public access opportunities. As submitted, some public access opportunities will be provided and protected,

but others will be absent or incomplete. Therefore, the proposed project as submitted is not fully consistent with Section 30210 with regard to maximizing public access for all pertinent user groups. The following identifies these inconsistencies, as well as those measures needed to bring the project into conformance with the applicable standards of review.

Maximum Access: Motor Vehicles

As noted, the purpose of the project is to provide continued unimpeded through access along a segment of the California coast. The realignment will ensure that the highway will not be closed by expected shoreline erosion during the life of the project. Motorists and cyclists will be able to travel smoothly, uninterrupted and conveniently given the proposed new roadway's 12-foot-wide travel lanes, gentle curvilinear pathway over relatively level terrain, and a nominal 55 mph design-speed limit. The new alignment, which will be located on the second-level coastal terrace, will provide an elevated vantage point that affords broader, but more distant, views of the shoreline. In addition, the new alignment will not provide the same level of direct access to the adjacent shoreline.

During the construction period the existing highway alignment will remain open to public use. There will be some detours to accommodate construction equipment, but no complete disruption of recreational and other traffic. Continued access to trailheads and overnight visitor accommodations to the north and south generally will be unimpeded. Upon completion of the new highway segment, motor traffic will be diverted to the new alignment. This means that State Highway Route 1 will have adapted to the realities of an eroding shoreline and will be sustainable in its function as the primary vehicular public access corridor along this part of the California central coast. As such, the project is critical for maintaining maximum public access opportunities connected to automobile use, consistent with Coastal Act Section 30210.

However, with respect to the project's specific on-site impacts on public access and recreation, it is only partially consistent with Sections 30210, 20212, 30213 and 30221. Such impacts can be feasibly avoided or offset. This will require the project to address the issues of motor vehicle parking, disposition and reuse of the existing highway alignment, and provision of off-highway access to and along the shoreline for non-motorized modes, as identified below and in the Special Conditions attached to this permit.

Public Access: Foot Paths and Recreational Bicycling

The overall coastal trail goal for this section of the San Simeon Coast, as stated by State Parks and others, is to provide a conveniently-accessed, relatively level, firm-surfaced, highly scenic trail that is well-separated from motor traffic. This approach is endorsed by the *Northern San Luis Obispo County Coastal Trail Master Plan*. The optimal location for lateral pedestrian and recreational bicycling access is best summarized in the alignment principles stated in the document *Completing the California Coastal Trail* (Coastal Conservancy, 2001), i.e. that the alignment should be within the sight, sound and scent of the sea.

Vertical Access

At present, the bluff-edge alignment of the highway, along with the varied opportunities for parking, provides numerous beach access points. Travelers can park along the side of the highway and walk along the coast and to the shoreline. The roadway shoulder is open to hikers needing linkages between bluff-top trail segments, as well as casual bicyclists and those who

may only want to stop briefly to take photos of the ocean or otherwise enjoy shoreline views. Except for three proposed access points, these direct access opportunities will be lost once the new highway is constructed.

The proposed establishment of the right of way for the realigned highway segment is linked to transferring all of the land seaward of the new highway into State Parks ownership. Pursuant to the Hearst Agreement package, however, the land transferred to State Parks will be encumbered with a scenic conservation easement that places limits on additional access points, unless there is a demonstrated need, (although it specifically allows for the California Coastal Trail). Reflective of this limitation on access and Caltrans' roadway standards, shoulder parking will be restricted along the proposed new roadway. And, fencing along the seaward edge of the new right of way will deter people from walking from the highway to the ocean.

As described below, Caltrans is proposing three off-highway access points that will provide for public access from the new highway to the shoreline within the project area. One will be located just north of the Piedras Blancas Light Station, as a trailhead for the Coastal Trail and the footpath connecting to a mile-long sandy beach ("Surfer's Beach"); one will be at the former Piedras Blancas Motel site; and another will be just south of Arroyo de la Cruz, leading to its beach. These will be the only vertical access improvements leading from the new highway alignment to the trailheads for shoreline public access and connections to existing blufftop trails. Therefore, the number of vertical access points directly accessible from the highway will be dramatically reduced.

All of the intermediate shoreline access points will be rendered inaccessible, unless the project includes connections from each of the three designated trailhead parking areas to those portions of the shoreline presently accessed directly from the existing highway alignment. To address this need, State Parks has identified appropriate alignments for a coastal trail that will provide connections to and along the shoreline (see pages 3-6 of Exhibit 4). This will allow the public to continue to reach all of the vertical access points currently accessed directly from the present alignment of the highway.

Providing these continuous coastal trail connections is essential for the proposed project to maximize public access in conformance with Coastal Act Sections 30210 and 30212, and will ensure that existing public access will be protected. Accordingly, this permit is conditioned to require Caltrans to support State Parks' construction of such coastal trail connections; see Special Condition 5.

Lateral Access

The proposed project is only partially consistent with Sections 30210 and 30212 with regard to providing lateral access. As quoted above, the Coastal Act requires new development to provide for such public access, unless specifically enumerated circumstances apply, which is not the case here.

The planned Coastal Trail is intended to be the primary means of public lateral access along the San Simeon Coast for hikers and for casual bicycling. It will be augmented by existing footpaths that provide access along the bluff edge and to the various beaches. As discussed below, Caltrans also proposes to leave parts of the existing roadway in place where needed to provide automotive

access to trailhead parking areas at Surfer's Beach, the former Piedras Blancas Motel site and just south of Arroyo de la Cruz. The balance of the existing roadway will be abandoned. Asphalt and base rock will be removed and slopes re-contoured to match the adjoining terrain. A substantial portion of the length of the abandoned roadway alignment has been identified by State Parks as suitable for construction of the Coastal Trail. Caltrans pledges to cooperate in the reuse of the abandoned roadway for a lateral trail, but has not included such a trail in its submitted plans.

Nonetheless, an effective, continuous, sustainable "backbone" Coastal Trail that serves multiple non-automotive modes of travel needs in the project area will be essential for meeting the public access policy requirements of Coastal Act Sections 30210 and 30212. Accordingly, this permit is conditioned to require that Caltrans support State Parks' construction of such coastal trail connections; see Special Condition 5 and the Coastal Trail Finding below. In addition, Special Condition 2(g) requires Revised Final Plans that will provide for reuse of appropriate sections of the existing highway for lateral access as described in Special Condition 5.

Public Access: California Coastal Trail

California Coastal Trail (CCT) alignment.

The continuity and quality of the CCT are key concerns. Poor alignment, or realignment far from the shoreline, will reduce public access opportunities and greatly reduce recreational quality. As summarized by State Parks' November 12, 2008 comment letter on the DEIR for the project:

The eastward realignment will impact the recreational experience of pedestrians, hikers, and cyclists by re-routing them farther inland and away from the shoreline, thereby diminishing their coastal views and shoreline experience. Attempting to accommodate bicyclists and pedestrians solely on the highway shoulders will not provide park users with the same degree of coastal access or the same quality of shoreline experience that the existing alignment provides. Limiting north-south passage of pedestrians and bicyclists to the shoulders of the realignment will not ameliorate this negative impact to their recreational experience.

Fortunately, these impacts can be avoided or mitigated by providing for a CCT network seaward of the new highway alignment.

Shoulder of new highway not acceptable as Coastal Trail alignment.

Caltrans proposes to construct eight-foot-wide paved shoulders along the realigned highway segment. In addition, Caltrans states that when the realigned highway is opened, pedestrians will be allowed to walk along the new highway shoulder. The proposed highway alignment, however, curves up to 475 feet inland compared to the existing highway alignment. Routing pedestrians along the new highway alignment will deprive the public of the desired proximity and access to the sea. It will result in close exposure of pedestrians and recreational cyclists to motor traffic and its attendant noise, fumes and hazards. The paved shoulder will be adjacent to and not buffered from fast-moving motor vehicle traffic, and thus is not designed to function as a safe, comfortable or convenient route for pedestrians. And while the paved shoulder would accommodate through-cyclists, it would not be nearly as attractive for casual recreational bicyclists as is the present highway alignment.

Further, there are no barrier-separated walkways on the project's three new bridges, making the new alignment that much less attractive to pedestrians. Moreover, there are multiple competing purposes for the proposed shoulder in addition to bicyclist and pedestrian use, including space for vehicles to stop due to mechanical difficulties, flat tires, or other emergencies; and space for evasive maneuvers to avoid potential crashes or reduce their severity.

In summary, the shoulder of the realigned Highway 1 segment does not represent an acceptable solution for the needs of recreational travelers on foot and it would not fully address the range of recreational bicycling modes. Instead, it would result in proximity to highway traffic rather than proximity to the sea, would adversely impact public recreational opportunities, and would not maximize access for all users to and along the shoreline. The shoulder of Highway 1 therefore simply does not represent a suitable alignment for the coastal trail, which should be a safe and enjoyable pedestrian experience, nor is the shoulder an acceptable and roughly equivalent substitute for the existing public access opportunity along the bluff edge.

Fortunately, re-purposing the to-be-abandoned highway segment in conjunction with trail connections to maximize recreational experiences that are sensitive to coastal resources (as well as other measures listed below) are available for Caltrans to conform the overall project with the Coastal Act's public access and recreation policies.

Access across Sani and Welsh parcels.

The proposed project does not include, but Caltrans is amenable to providing, public access through Sani Parcels 1 and 2, which it has acquired. Also, the proposed project, as submitted, does not provide lateral access through the privately-owned Welsh Parcel. Access is needed across these parcels in order for a continuous coastal trail to be constructed that will smoothly connect with the coastal trail segments that will be located on State Park lands to the north and south.

While the existing highway segment, which is located on the first-level coastal terrace, might initially be useful for such a connection across the Sani and Welsh parcels, it is expected that it will be lost to shoreline erosion following removal of the rock armor now in place. Since the CCT must be continuous in order to function as access to and along the shoreline, measures must be incorporated into the trail project to ensure such continuity throughout the project limits. One strategy on the Welsh property for accomplishing this, consistent with Section 30609.5, would be to retain a permanent property interest in the existing Highway 1 right of way area as long as it remains extant. ~~Given anticipated shoreline erosion, it would also be necessary to provide for ambulatory retreat through such measures as a rolling easement to provide adequate public access to or along the sea for the life of the project. While providing a coastal trail alignment within the new right of way might be is another strategy for ensuring access, although, it would be highly undesirable from a user's perspective, as discussed above. Hikers and bicyclists would be required to detour about 450 feet inland in each direction, tolerate close exposure to motor vehicle traffic as the trail crosses these parcels, and then turn back another approximately 450 feet to the seaward edge of the coastal terrace.~~

~~Instead,~~ There is another, the preferable, coastal trail alignment ~~would be~~ along the seaward break of the second-level coastal terrace, which corresponds to about the 36-foot to 38-foot

topographic contour as shown on submitted project plans (Exhibit 3). This alignment would provide an elevated vantage point for superior coastal panoramas, while being sustainable through anticipated near-term coastal erosion. It ~~will~~ would be within sight and sound of the sea, with about 400 feet of buffer between hikers and the new highway. However, an easement, license or fee simple acquisition ~~will~~ would be necessary to construct the path a distance of about 160 feet along the contour across the remaining private parcel, and provision ~~will~~ would need to be made for eventual retreat/realignment in the future, as shoreline erosion may dictate.

Unfortunately, the Applicant testified that the current condemnation proceedings involving this property do not include obtaining this property interest, and that to add this element at this time would be disruptive to the entire proceedings. The Commission accepts this situation. It is still possible that the end result of the eminent domain proceedings will be that the Applicant does acquire this property interest, in which case this preferred trail alignment would be required. However, if Caltrans does not obtain the right to align the trail in the preferred location, then the Commission finds that the trail alignment within the new highway right of way would be acceptable across this one parcel. In order to ensure that the public can access the coast along the currently existing highway alignment, Caltrans must allow public access until the existing highway erodes away, until Caltrans' easement for the existing highway reverts to the underlying property owner, or until Caltrans' five year plant establishment, restoration and monitoring period has elapsed, whichever comes first. This permit is conditioned accordingly; see Special Conditions 5 and 9.

Public Access: Parking

At present, there are about a half dozen unpaved pullouts along the existing highway where drivers can pull their vehicles off the highway and park with direct visual and physical access to the shoreline. In addition, visitors can park wherever they can find adequate space on the highway shoulder to directly access the shoreline. This means there are multiple public shoreline access opportunities over a distance of nearly three miles, directly from the highway, all informal and of varying quality, some more safe than others.

The proposed removal of the existing roadway will eliminate nearly all of these public parking locations in close proximity to the ocean. The proposed new roadway will be inland and does not include formalized parking along the shoulder, meaning that motorists will no longer have parking access along the shoreline. Following several discussions with Commission and State Parks staff, Caltrans has agreed to recognize three public parking locations adjacent to the new alignment and summarized them by letter, dated June 17, 2014 (Exhibit 4).

Upon completion of the realigned highway, public parking will be directed to three specific bluff-top locales adjacent to the existing highway alignment and accessible from the new alignment. Each location is already informally used by the public for beach access. They include: 1) a southern beach access parking area where the existing "volunteer" path provides access to "Surfer's Beach" upcoast from Piedras Blancas Light Station; 2) a central public access facility, at the former Piedras Blancas Motel; and, 3) a northern public access parking area, on a large, existing unpaved pullout used by the public for access to Arroyo de la Cruz beach (Exhibit 2).

Existing parking use is estimated as approximately 18-20 vehicles at the southern "Surfer's Beach" trailhead; around 25 spaces on pavement at the former motel; and at least 20 vehicles at

the northern end, near the Arroyo de la Cruz beach trailhead. Background documents to the Hearst agreement acknowledge this unpaved pullout as a parking area that can accommodate 60—90 vehicles. However, the area is also used by Caltrans for maintenance functions and currently soil stock piles limit the full use of the area for parking. Importantly, as required by Special Condition 5, these three locations will not only lend needed parking support to important existing vertical accessways, but will also be critical for users to access the California Coastal Trail that is provided through this permit approval.

Elsewhere within project boundaries, informal public parking along the realigned roadway will be restricted by Caltrans' standards. (Only at the northern extremity of the project, adjacent to the existing Arroyo de la Cruz bridge, does it appear that the unpaved shoulder will still be available for public parking. Although used by the public for beach access parking, this existing wide pullout is within a road cut and not directly adjacent to the shoreline.)

Parking access at former motel site. One important measure to offset the loss of public parking is already incorporated in the project plans (Exhibit 3). Specifically, motorists may elect to pull off the highway and park at the former Piedras Blancas Motel, north of the Arroyo del Corral beach. Purchased in part with Coastal Conservancy funds, it is now part of San Simeon State Park. Existing paved areas are already used by BLM for staging its Light Station tours. Ample space exists here for additional vehicles to park on unpaved portions of the grounds on the seaward side of the existing highway, although increased management of this public use area is needed as the popularity of the area grows for visitors to the Lighthouse, elephant seal haul out areas, and new recreational amenities being pursued by State Parks at the former motel.

A segment of the existing highway is proposed to be retained in this area for State Parks' use. Retention of this roadway segment is expected to reduce the future need to construct new roads for on-site access or circulation, especially with respect to any future development of recreational facilities. The submitted plans show that this public access opportunity will be preserved by extension of a connecting entry drive (along with sufficient additional paved highway width for turn and acceleration lanes). This component will provide appropriate access from the realigned highway. And, it will support State Parks' planned rehabilitation of the site to provide for access to the beaches to the north and south, a bluff-edge hiking trail/CCT segment, an interpretive vista point, and potentially, affordable overnight accommodations.

Southern trailhead parking area. In addition, following discussions with Commission staff, a short portion of the existing Highway 1 is now proposed to be retained and repurposed for public trailhead parking at the south end of the project. The proposed location will optimize access to the Surfer's Beach trailhead, while minimizing visibility from the new highway alignment by taking advantage of a shallow road cut. The new parking area will also provide a launching point for visitors to access not only the CCT segment planned to extend northward, but also a continuation of the CCT to the south now under consideration by State Parks and BLM on the Light Station properties.

The current plans do not show this parking improvement nor the creation of a turn pocket or access drive leading from the realigned highway. However, existing off-highway vista points constructed by Caltrans on abandoned segments of Highway 1, south of Piedras Blancas Light Station, provide an appropriate design template that could be utilized at this location. These

nearby bluff-top parking facilities, termed Vista Points 3 and 4 by Caltrans, were constructed pursuant to CDP 4-81-194-A. They now serve as highly popular sites for interpretation of marine resources within the Monterey Bay National Marine Sanctuary, especially during the seasonal occupation of the adjoining beach by wintering elephant seals. Coastal Commission staff recommends that, similar to Vista Points 3 and 4, the improved southern trailhead parking area be surfaced with class 2 road base or equivalent material (similar to the previously-permitted Vista Points), and be sized to accommodate no less than 20 vehicles. Accordingly, as required by Special Condition 5, project plans will need to be modified in order to establish and maintain safe, effective access to this proposed southern trailhead parking area.

Northern trailhead parking area. At the northern end of the project, Caltrans' June 17, 2014 letter indicates that the existing wide, unpaved pullout will be retained and will be available for public access. However, it is not clear that the graded surface of the existing informal parking area will match the shoulder of the new roadway alignment (except immediately south of the Arroyo de la Cruz bridge). To ensure accessibility, some adjustment of grading plans may be necessary, so that the public may continue to exit or enter the highway across the shoulder. Also, grading may need to be adjusted to avoid covering access routes from the public parking area to the future CCT route and the beach access trailhead. It is worth noting that the *Northern San Luis Obispo County Coastal Trail Master Plan's* Figure 4-23: Concept Design for Arroyo de la Cruz bridge crossing and staging area also supports the construction of a parking lot with an entrance off of Highway 1 at this location.

While Caltrans did not originally offer any improvement of this trailhead parking locale, it has since worked with State Parks to propose that a short segment of the existing highway be retained and repurposed for access to that portion of the northern trailhead parking area closest to the Arroyo de la Cruz trailhead. Special Condition 5 requires that such improved parking area be provided, surfaced with class 2 road base or equivalent material, and sized to accommodate no less than 30 vehicles. Retention of the full area of the existing pullout, which could potentially accommodate up to an estimated 60 additional vehicles, is required as well.

In addition, this improved parking facility should include links from the parking area to the CCT segment to be established along the existing highway alignment, as well as to the beach access trailhead (i.e., along the old County Road). Also, a turn pocket and access drive leading from the realigned highway might be necessary to improve both traffic safety and public access effectiveness. This permit is therefore conditioned accordingly to require submittal of revised plans that provide for safe public parking and trailhead access at this location (Special Conditions 2 and 5).

Parking Conclusion

The proposed roadway project, as submitted, does not maximize opportunities for public access, including parking, nor does it adequately safeguard the long term protection of parking areas necessary to support coastal public access for the life of the project. While the project as submitted severely limits existing roadside parking and shoreline access opportunities within project limits, measures are available to offset this impact and provide maximum public access opportunities consistent with Section 30210 and the other Coastal Act sections cited above. Accordingly, this permit is conditioned to require submittal of revised plans; see Special Condition 5(b)(3).

Recreational Access

The proposed project is only partially consistent with Sections 30210 and 30221 with regard to reserving oceanfront land for recreational use and with Section 30609.5 with regard to retaining State property interests needed for recreational access to and along the shoreline. The proposed project is generally consistent with Section 30241 with regard to compatible uses adjacent to parkland.

Highway 1 as a recreational resource. Realignment of State Highway Route 1 will ensure the continuity of the highway corridor, and represents a sustainable long-term response to ongoing shoreline erosion along the coast of San Luis Obispo County. It will maintain continuity of access to and from the Big Sur Coast, San Simeon and all associated public recreational resources.

On this National Scenic Byway, driving for pleasure is believed to be an exceptionally popular recreational activity. The proposed new roadway segment will assure that this activity will continue to be available into the future. The recreational motoring experience will, however, differ somewhat because the highway will be relocated inland to the upper portion of the second-level marine terrace, and therefore will offer more distant vantage points in place of the nearshore views provided by the existing alignment.

Other affected modes of recreational use include bicycling and hiking. Through-cyclists may appreciate the uniform paved shoulders that are shown on the submitted plans. But, unless a continuous, off-highway coastal trail can be provided along the bluff edge, casual recreational bicyclists will be deprived of close-in shoreline views, and opportunities to stop and directly access the beach will be limited to the three designated trailhead parking areas.

Although Caltrans indicates that pedestrians can walk on the highway shoulder, it is not a place to pause and relax, talk and enjoy the ocean and ocean life. And, as noted, travelers in vehicles are not allowed under Caltrans' standards to stop and park along this new stretch of highway, so pedestrian access will be limited by a lack parking opportunities along the new highway.

Transfer of coastal terrace lands to State Park management. The proposed removal of the existing roadway and the proposed division of land (i.e., establishment of the new highway right of way) will result in substantial land areas becoming available for recreational use. All Hearst-owned land seaward of the new Caltrans highway right-of-way parcels will become State Park property, pursuant to the Hearst Agreement. This will include the existing highway right of way and the underlying lands. This property transfer was made possible in part by Caltrans securing a \$23 million federal grant to purchase a scenic easement in support of the National Scenic Byway program over 832 acres of coastal lands as part of the overall Hearst agreement land transfer.

The area made available for highway realignment north of the Piedras Blancas Lighthouse is approximately 115 acres. Approximately 75 acres of this area will be transferred to San Simeon State Park. A thin strip will remain within Hearst Ranch ownership on the inland side of the realigned highway. This is because the objectives for the rerouting were environmental and engineering, not necessarily to maximize the transfer of land to park use.

By virtue of becoming public park land, some level of recreational use will be possible. However, also pursuant to the Hearst Agreement, a scenic and conservation easement over this land limits public use to passive activities; other more intensive uses, such as camping, are prohibited. And support facilities are limited as well by view protection requirements. (Note, however, that these scenic easement provisions do not apply to private property in the project area at the time of the Hearst agreement.) Caltrans nevertheless asserts that the proposed new roadway will be as compatible with the new parkland as possible. One way in which it will accomplish this is to separate transportation uses from adjacent parkland with a fence.

Sani parcels. In order to build the proposed project, Caltrans has purchased two residential parcels (Sani Parcel 1 and 2) that will be bisected by the new roadway. Currently, the portion of the parcels that will be seaward of the new roadway contains a driveway and four wells. Two wells will remain to serve another inland house that will remain (Sani Parcel 3). Submitted plans show fill road prisms and residential-standard driveway aprons to be constructed both seaward and landward of the realigned highway, connecting to the retained driveway segments on both sides (even though no residence exists on the seaward side).

As required by previous coastal development permits for the residences, this land is under easement, deed restriction and landowner agreement to limit development. Pursuant to Special Condition 10, this CDP for the realignment project will not be issued until these limitations are addressed by amendments to the previous CDPs. Under the restrictions associated with the previous permits for houses that are now being removed, development and use of the coastal trail, as well as other recreational uses, would not appear to be allowable on the parcels, which are now under Caltrans' control. In order to bring the new land ownership and proposed development into compliance with public access and recreation policies, these restrictions must be modified.

Welsh parcel. A similar situation exists on the adjacent Welsh Parcel. Currently, Caltrans is in the process of condemning the portion of the Welsh Parcel that it needs to construct the new highway alignment. Caltrans is not seeking to condemn the future oceanside portion of this property as part of the pending condemnation proceeding. If, through this proceeding or a settlement, however, Caltrans does obtain ownership of this portion of the property, it may also have some additional recreational utility beyond its value for a sustainable coastal trail alignment.

Caltrans does currently have an easement for transportation purposes over the most seaward strip of this parcel where the existing highway is located. Caltrans has indicated that the proposed removal of the existing highway will result in the easement's termination. However, under Coastal Act Section 30609.5 ~~this may not occur. Under this provision,~~ Caltrans is required to retain a permanent property interest in the existing Highway 1 right of way to provide adequate public access to or along the sea. In order for that access to be considered adequate, it must be multi-modal and it must be ensured for the life of the project. One way that this could be accomplished is through securing a rolling easement through Caltrans' pending condemnation action to ensure retention of its property rights within the existing highway right of way. Such a rolling easement would allow for the migration of the coastal trail in response to seaward erosion. If Caltrans acquires the portion of the Welsh Parcel west of the new Highway right-of-

way, then the acquired property could be used to accommodate recreational access in this way, including the CCT. If Caltrans does not acquire the portion of the Welsh Parcel west of the new Highway right-of-way, then the existing Highway right-of-way area on the Welsh Parcel could continue to be utilized for CCT purposes until the existing highway easement is terminated and the property reverts to the underlying owner of the property through operation of law or it is no longer available for this purpose (e.g., it is no longer suitable for a trail because it is in danger from erosion, etc.). In such a case then the westernmost portion of the new Highway right-of-way could then be used for these purposes (see Special Condition 9).

Resolving Inconsistencies. The noted Coastal Act inconsistencies can be addressed through special conditions of approval, most notably for an affirmative commitment toward construction of the coastal trail segment and associated parking.

Public access (in the form of providing a coastal trail segment and associated parking) is required because: (1) it is affirmatively mandated in Coastal Act Sections 30210-30214; (2) it is planned for lands included within the project limits and affected by the proposed reuse/restoration of the existing highway; and, (3) it is necessary mitigation of the adverse impacts on public access noted above. Furthermore, it is a matter of public policy as detailed in Caltrans' own management directives that require all mobility modes be adequately included.

Completing the Coastal Trail segment within the project area

In comparable situations along the coast highway Caltrans has provided separated adjacent pedestrian walkways or multi-modal pathways. Of particular note, Caltrans recently opened the Devil's Slide CCT that is the portion of Highway 1 that was abandoned and repurposed when the vehicular travelway was re-routed to an inland tunnel bypass. The Commission found that the provision of the multi-modal trail was an important consideration in allowing for the overall Devil's Slide Tunnel project through Coastal Act policy conflict provisions. More recently, in a federal consistency certification review, the Commission found that the inclusion of a parallel Coastal Trail segment as part of the Eureka-Arcata Route 101 Corridor Improvement Project was feasible and would allow the commission to find that the project maximized public access and protected, encouraged and provided lower cost visitor and recreational facilities consistent with Coastal Act policies. Other examples of Caltrans projects with coastal trail components include construction of on-highway pathways with barrier separation seaward of the motorway shoulder (e.g., Ten Mile River and Greenwood Creek Bridges in Mendocino County, and the Ventura-Rincon Highway 101 HOV project's multi-modal coastal trail in Ventura County).

Additional examples of effective lateral access measures, also designed by Caltrans and approved by coastal development permit, include: horizontal separation through rehabilitation of an historic off-highway trail (Pitkins Curve rockshed and bridge project, Big Sur Coast); and, vertical separation with a pathway on a bench stepped-down on the seaward fill slope (Gorda Wall project, also on Big Sur Coast).

After years of extensive consultations with Commission staff and other stakeholders, State Parks has identified the location and features of the Coastal Trail segment to be built within the Piedras Blancas Realignment Project. Generally, its alignment is represented by a map from State Parks dated June 25, 2014 (see pages 3-6 of Exhibit 4). To ensure local public participation, San Luis Obispo, in conjunction with Caltrans and State Parks presented the overall project in connection

with the Coastal Trail proposal at a Planning Commission workshop on June 12, 2014 where the proposed Coastal Trail alignment and overall plan was discussed at great length. In general, the trail portion of the overall project was well received by both the public and the members of the Board of Supervisors.

Implementation of the Coastal Trail

Caltrans indicates its commitment to work in partnership with State Parks to ensure that the CCT and associated parking support facilities are completed. Discussions are ongoing as to the nature and extent of providing public parking. Project plans as submitted already show the access drive that will connect the realigned highway to the former Piedras Blancas Motel site. By letter of June 17, 2014 (Exhibit 4) Caltrans further commits to providing a trailhead parking area at the southerly end of the project (“Surfer’s Beach”), and retaining the existing unpaved pullout at the northerly end for trailhead use (access to Arroyo de la Cruz beach).

Typically the Applicant would be required to incorporate the trail with parking as part of the proposed project and hence be responsible for planning, building and maintaining it. However, in this case, State Parks has indicated a willingness to be responsible for planning, designing, obtaining authorizations for, overseeing construction of and operating, maintaining and managing the trail. In addition, State Parks is willing to take over the long-term operation and maintenance of the associated parking areas upon their completion by Caltrans.

As previously described, the project area west of the new highway alignment is subject to easement restrictions that were placed through the Hearst Agreement. These restrictions limit public access use to daytime uses and prohibit camping. Although this limitation appears to be included to restrict overnight uses, such as camping, it could be interpreted to prohibit the use of the CCT during nighttime hours. Such a prohibition is not appropriate for the CCT network, and would not maximize public access, as required by the Coastal Act. Therefore, Special Condition 5 requires Caltrans and State Parks to work with the Hearst Corporation to amend the easement agreement to explicitly allow for 24 hour passive recreational use of the CCT. Pursuant to the condition, the existing prohibition on camping in this area may be maintained.

The primary remaining need is funding for the actual construction of the trail (including the reuse of a substantial portion of the existing highway) in a timely manner. Preliminary cost estimates from State Parks indicate that the required amount will be \$1.4 million, which includes an inflation factor of 5% for four years. It is proposed that this funding be addressed through an interagency agreement between Caltrans and State Parks, whereby Caltrans would transfer the required amount and State Parks would be responsible for all of the other tasks associated with the implementation of the trail as listed above.

Accordingly, Special Condition 5 requires Caltrans to carry out the proposed public access Coastal Trail mitigation through an Interagency Cooperative Agreement between Caltrans and State Parks. Pursuant to this condition, an in-lieu fee of \$1.4 million will be transferred and deposited into an account held by State Parks for the purpose of constructing the Coastal Trail within the project limits. These public access improvements are to be designed and constructed consistent with the requirements of the Coastal Act. If the proposed mitigation project cannot be

carried out as expected, Special Condition 5(e) requires the funds to be transferred to an entity able to complete the project if approved by the Executive Director.

Conclusion

In conclusion, the proposed project, in failing to provide for adequate vertical and lateral pedestrian access and associated parking along the shoreline, is not consistent with the applicable public access and recreation policies of the California Coastal Act. While the project would allow for the continuation of full automotive access along the coast and provide adequate shoulders for experienced cyclists to use, it fails to sufficiently address the need to provide walking/hiking and recreational biking access for the public (comprising affordable access per Section 30213). Thus, as originally proposed, the project fails to provide for all appropriate public access modes, as would be required to maximize opportunities for safe public access (Section 30210). As designed, the project asks pedestrians to walk on the paved shoulder. Such exposure to the hazards of motor traffic is inconsistent with public safety needs (Section 30212) when feasible opportunities exist beyond the proposed highway shoulder and need to be provided as part of the development project (Section 30212). The project does not provide for such public access. Thus, the project fails to adequately provide for public access, or to maximize public access opportunities, as required by Sections 30212 and 30210 respectively.

Therefore, in order to find the proposed project consistent with the Coastal Act, it must incorporate an adequate continuous lateral California Coastal Trail and necessary parking support facilities as part of the overall realignment project pursuant to Special Condition 5.

D. BIOLOGICAL RESOURCES

Relevant Policies

Coastal Act Sections 30230, 30231, and 30233 afford protection of marine resources and their associated biological productivity and state:

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

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

***Section 30233:** (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of*

this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
 - (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - (6) Restoration purposes.*
 - (7) Nature study, aquaculture, or similar resource dependent activities.*
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. ...*

In addition, Coastal Act Section 30240(a) includes strong protections for environmentally sensitive habitat areas (ESHA), and limits uses in such areas to resource-dependent uses. It states:

Section 30240: *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The LCP also contains a number of policies to protect sensitive habitats:

Policy 3: Habitat Restoration. *The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11.*

Policy 7: Protection of Environmentally Sensitive Habitats. Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored.

Policy 16: Adjacent Development. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site.

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

Policy 21: Development in or Adjacent to a Coastal Stream. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

Policy 29: Protection of Terrestrial Habitats. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

Analysis

The proposed new roadway will traverse both wetlands and coastal prairie habitat. There are ten delineated wetlands in the project area, including coastal prairie wetlands, freshwater seeps and Central Coast arroyo willow riparian forests. Some of the wetland areas are habitat for California red-legged frog, tidewater goby and steelhead trout, which are all federally listed species. See Exhibit 9 for habitat maps.

The main natural community in the project area is coastal prairie, which is ESHA. Coastal prairies occur in areas where grassland plants can obtain some moisture from fog. California's coastal prairies are moderated by the cooling influence of the Pacific Ocean and are characterized by a vast array of plant species. The term "prairie" is used to describe these types of grasslands because although native grasses are present, coastal prairies often contain and are sometimes even dominated by herbaceous plants and wildflowers. California's coastal prairie remnants contain almost twice as many species as other North American grasslands, making them among the most diverse as well as the most endangered ecosystems in the world. According to Caltrans' Mitigation and Monitoring Plan (March 2013) "the coastal prairies on the Hearst Property boast some of the most pristine coastal prairies in California and are host to a

suite of rare and endemic plant species.” Within the coastal prairie in the project footprint there are large stands of the native bunchgrass, purple needle grass (*Stipa pulchra*). The California Department of Fish and Wildlife's Natural Diversity Data Base (CNDDDB) identifies coastal prairie/purple needle grass grassland as a rare plant community. Thus, the coastal prairie habitat within the project footprint is a rare plant community that is easily disturbed by human activities and development, and thus this habitat meets the definition of ESHA in the Coastal Act and the San Luis Obispo LCP.

Hearst Conservation Easement Agreement

As described further below, the proposed project will impact habitat along the new alignment, will restore habitat along the old alignment, and will restore habitat off-site at Arroyo de la Cruz, and on Sani Parcels 1 and 2. In addition, this project is unique in that it triggers completion of the Hearst Conservation Easement Agreement (Hearst Agreement). The Hearst Agreement was developed early in the planning stages for the new highway alignment. Components of that Agreement protect a substantial portion of approximately 80,000 acres of the Hearst Ranch for open space and agricultural uses, and provide for the transfer of nearly 75 acres of Hearst-owned lands west of the new alignment to State Parks, to be managed for habitat protection, open space, and public access and recreation. Thus, the project's habitat protection benefits reach far beyond the proposed restoration.

Wetlands

The proposed new roadway will result in the permanent removal of 3.58 acres of freshwater wetlands. The proposed roadway will additionally disturb approximately three acres of wetlands during the course of construction. Pursuant to Section 30233, fill of wetlands may only be allowed for a very limited number of uses, such as boating or other coastal-dependent facilities, restoration and nature study. New highways are not an allowed use under Section 30233, and therefore, the project is inconsistent with the Coastal Act in this regard. However, as described further in Section K of this report, the project may be approved under the conflict resolution provision of the Coastal Act, this project may nevertheless be approved if it is more protective of coastal resources than denial of the project.

Although the proposed project cannot meet the allowable use test in Section 30233, it must still meet the requirements of Section 30233 to limit fill to cases where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Caltrans reviewed a number of alternatives through the EIR process and determined that there was no alternative that meets the purpose and objectives of the project without requiring wetland fill, due to the presence of drainages to the ocean that cannot be avoided. An evaluation of the three most preferred alignments demonstrated that the difference between impacts to wetlands and coastal prairie is negligible.

However, Caltrans has proposed numerous measures to reduce wetland fill and otherwise minimize impacts to wetlands. For example, the proposed roadway includes bridges rather than fill to cross three coastal streams: Arroyo de los Playanos, Arroyo del Corral and Arroyo del Oso. The bridges have been designed to span the wetland areas to the extent feasible and to minimize use of piers, i.e. there will be no columns within the waterways. In addition, two northbound bridge approach embankments have been engineered at a 2 to 1 slope to reduce

wetland impacts. These bridges will constitute a great improvement over the existing road crossings that consist of fill and culverts. Bridges allow for the smallest disturbance footprint upon the arroyos and coastal streams while still providing automotive access. The natural bed and bank are maintained thus allowing for natural ecosystem function including varying water flow patterns, seasonal shifts, and plant and animal use patterns of the coastal streams. The coastal streams in the three arroyos support numerous species of mammals, birds, reptiles, amphibians, and invertebrates that use and depend on this ecosystem including the federally threatened California red-legged frog and the federally and state endangered steelhead.

Several seasonal coastal wetlands are bisected by the new alignment. These areas will employ either a system of culverts and/or porous road prism foundation materials to pass surface and subsurface water flows and maintain hydrologic connectivity. This hydrologic connectivity is especially important in seasonal coastal wetlands, because seasonal wetlands, which are widespread in the project area, are most vulnerable to changes in water supplies because they tend to be shallow and subject to high rates of evaporation. Culverts are used to carry flow under the road prism in ten locations. Four of the 17 proposed culverts are box culverts that allow soil to be placed on the bottom to partially recreate habitat. The culverts would carry water periodically during rainfall events after the wetlands become inundated. Some sites will use multiple culverts in order to utilize small diameter pipes that do not necessitate an increase in the height of the road prism, but are able to handle the anticipated flow volume. All but two culvert locations are designed to drain ephemeral wetlands, marsh areas, and, at one site, a small, incised drainage associated with a narrow band of ephemeral wetland. The remaining two culverts drain either the roadside inboard ditch or an inboard ditch that has been designed as a water quality VBS (vegetated buffer strip), or a combination of both inboard ditch and VBS.

Finally, wetlands loss will be minimized by installing fencing around sensitive prairie areas in order to restrict equipment from entering areas that are not necessary for construction activity. Special Condition 6 ensures that this will occur.

In addition to measures that will avoid and minimize impacts on wetlands, Caltrans is proposing significant wetlands and habitat restoration projects to compensate for the adverse environmental effects of the project. Three categories of mitigation for wetland loss are proposed: (1) on-site restoration of temporary disturbances, (2) on-site compensatory mitigation, and (3) off-site compensatory mitigation, as described in the following three paragraphs.

First, all wetland areas that are disturbed during construction activities will be restored to their previous condition. For example, disturbed riparian habitat along both the Arroyo del Corral and Arroyo del Oso drainages will be re-vegetated using arroyo willow cuttings over an approximately 0.1-acre area.

Second, Caltrans is proposing significant on-site habitat restoration that would have substantial benefits for the biological resources in the area. Approximately 2.8 acres of wetlands would be restored within the abandoned roadbed and adjacent areas that historically supported wetlands. Removal of the current road and restoration to pre-road conditions includes removal of the road prism fill. The current roadbed would be graded to match wetland elevations occurring on each side of the road to create appropriate hydrologic conditions. Wetland topsoil salvaged from the

new alignment location would be placed where the old road was removed, matching soil types. This technique would preserve the native seed bank and its site-specific genetic stock. Included would be: coastal prairie wetland; freshwater marsh; perennial brackish water wetland; and seasonal brackish water wetland. In addition, the proposed on-site restoration will allow for a full return of the natural function of the coastal lagoons that form where the streams in the arroyos meet the ocean. This is of great biological benefit because the lagoons provide important habitat for both the federally endangered tidewater goby and the federally and state endangered steelhead. Arroyo restoration will significantly increase the square footage of the coastal lagoons and will restore the lagoons to a much more natural hydrologic system that will no longer be constrained by fill and other limitations on flow. Further, removal of the old road will include restoration of large areas of fresh water marsh wetlands and most significantly will result in restoration of wetland connectivity. Finally, removal of the old road will also allow for restoration of large swaths of coastal prairie habitat that spans the stretches between the arroyos and the wetlands.

Finally, the main off-site mitigation project is proposed at Arroyo de la Cruz (see Exhibit 10). As stated in the revised Mitigation and Monitoring Plan:

The wetland mitigation at Arroyo del la Cruz (ADLC) will involve landform grading to create a depressional wetland complex and to direct additional surface water flow through the mitigation site. Additional features of the project include the creation of a potential breeding area for California red-legged frogs (CRLF), freshwater marsh wetlands, riparian, ephemeral coastal prairie wetlands, coastal prairie, and possibly coastal scrub, and the removal of the agricultural swale.

The following habitats would be created or enhanced at Arroyo de la Cruz:

- Potential California Red-Legged Frog Breeding Habitat (0.1 acre);
- Riparian (~ 0.07 acres),
- Freshwater seep/marsh (~ 2.5 acres),
- Ephemeral Coastal Prairie Wetland (~ 2.7 Acres).

Caltrans has recently indicated that additional wetland restoration will ultimately occur on Sani Parcels 1 and 2, which it has acquired:

Caltrans hired ICF International to conduct soil profiles and soil composition testing in various locations around the properties to determine potential mitigation opportunities. Based on initial assessment, the land appears suitable for both creation and enhancement of wetlands and coastal prairie. However, at this time Caltrans cannot quantify or describe mitigation options because of the many variables that still exist on the Sani properties, including, but not limited to: encroachment areas for two remaining wells, a leach field, and access road, as well as the screen planting on the east side of the new alignment. In addition, the report from ICF on these properties is still forthcoming and may require additional site visits to complete...

To ensure the proposed mitigation is carried out as proposed, is maximized and achieves the intended habitat restoration objectives, Special Condition 14 requires Caltrans to submit a

revised Mitigation and Monitoring Plan for Executive Director review and approval prior to construction of the project. Pursuant to the condition, the Plan must specify the goals of the plan, identify appropriate success criteria, and develop a plan to monitor the restoration over at least a five-year period. If the habitat restoration is not successful, a supplemental plan to compensate for the unsuccessful portions of the restoration must be provided. Therefore, as proposed and conditioned, the project will ensure the impacts to wetlands are avoided and minimized, and that all impacts are mitigated to the maximum extent feasible, consistent with Section 30233.

Coastal Prairie

The proposed new roadway will cover 10.51 acres of coastal prairie. It will also result in an additional disturbance of 40.38 acres of coastal prairie resulting from grading associated with constructing the roadbed.

As described above, the coastal prairie habitat affected by the project is ESHA and therefore, pursuant to Coastal Act Section 30240, only resource-dependent uses are allowed. The proposed highway is not a resource-dependent use, and therefore, cannot be allowed in the coastal prairie habitat consistent with this provision of the Coastal Act. However, as described in Section K of this report, the proposed project may be approved under the conflict resolution provision of the Coastal Act, in spite of this inconsistency.

Nonetheless, the remaining requirements of Section 30240 must be adhered to; namely, ESHA shall not be significantly disrupted or degraded. As described in the wetlands section above, Caltrans evaluated numerous project alternatives and determined that the project purpose and objectives could not be achieved without impacts to coastal prairie, and that among the three best alternatives, the difference in impacts to coastal prairie was negligible. Further, Caltrans is proposing several measures to minimize impacts to coastal prairie. Habitat loss will be minimized by installing fencing around sensitive prairie areas in order to restrict equipment from entering areas that are not necessary for construction activity. Special Condition 6 ensures that this will occur.

Comparable to wetlands, three categories of mitigation for unavoidable prairie loss are proposed: (1) on-site restoration of temporary disturbances, (2) on site compensatory mitigation and (3) off-site compensatory mitigation.

First, the proposed new roadway will require substantial grading beyond its immediate footprint in areas of predominately coastal prairie. The proposed mitigation involves stockpiling topsoil to return to the cut/fill areas after grading. The topsoil will be redistributed on disturbed soils of like kind, and then the area will be replanted with native grasses. Second, coastal prairie restoration will occur along nearly the entire length of the current highway alignment after the roadway is removed. The topsoil will be redistributed on disturbed soils of like kind after removal and contour grading and then native grasses will be established. Finally, the off-site mitigation for coastal prairie is part of the same Arroyo de la Cruz project described above – some of the drier, more upland parts of the site that are now choked with non-native vegetation will be restored to approximately ten to 12 acres of coastal prairie habitat, providing a buffer of native grasses and forbs around the created wetlands. In addition, coastal prairie restoration will occur on Sani

Parcels 1 and 2. Special Condition 14, as described above, requires appropriate performance criteria for this proposed restoration.

Elephant Seals

The proposed project will reduce existing impacts on elephant seals by relocating the highway farther inland, where elephant seals are less likely to travel. However, there is still the potential for continued impacts to these marine mammals due to the construction of the CCT in close proximity to the shoreline. To minimize conflicts between elephant seals and trail users, Special Condition 5(b)(6) requires elephant seal-resistant fencing to be installed. As conditioned, the project will protect elephant seals and their habitat, as required by the Coastal Act.

Special Status Animal Species

The project has the potential to impact several special-status animal species in addition to elephant seals, including California Red Legged Frog (CRLF), Southwestern Pond Turtle, Steelhead Trout and Tidewater Goby. Construction of the proposed new roadway and removal of the existing roadway have the potential to disrupt wetlands that these animals may inhabit. In addition, removal of the existing roadway includes removing the existing culverts at Arroyo del Oso and Arroyo del Corral, which will temporarily impact wetland habitat. However, the project will also result in improvements to existing wetland and stream habitats, including at Arroyo del Corral, where the lagoon will be restored and expanded after the culvert is removed.

Numerous avoidance, minimization, and mitigation measures have been incorporated into the project through the project EIR to address potential impacts to special status species. For example, measures require pre-construction biological surveys and training, frog relocation by qualified personnel, trash and construction debris containment and removal, work scheduled outside of the frog breeding or fish migrating season, intake screening and exotic species removal. To ensure the avoidance, minimization and mitigation measures of the EIR are carried out, Special Condition 1 incorporates them into this approval.

Conclusion

The proposed project will have numerous impacts on habitats in the project area, including impacts to wetlands and coastal prairie ESHA. Although these impacts are proposed to be minimized in many significant ways, the project is fundamentally inconsistent with Coastal Act policies that do not allow highway uses in wetlands and in ESHA. As described in Section K of this report, the project can be approved under the conflict resolution provisions of the Coastal Act. However, measures must be taken to mitigate the project's impacts to wetlands and ESHA. As proposed, the project includes significant on and off-site habitat restoration that will offset the impacts of the project. Special Condition 14 requires appropriate performance criteria for the proposed habitat restoration. In addition, the project will trigger completion of the Hearst Agreement, which will protect thousands of acres of open space, habitat, and agricultural lands in perpetuity. Approximately 75 acres of Hearst-owned lands west of the new alignment will be transferred to State Parks to protect for open space, habitat, public access and recreation. Therefore, the proposed project will adequately mitigate for its biological resource impacts.

E. HAZARDS

Applicable Policies

Coastal Act Section 30235 addresses the use of shoreline protective devices for existing structures:

Section 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...*

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

Section 30253. *New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...*

Like the Coastal Act, the LCP is premised on hazard avoidance, and requires that new development be sited and designed to ensure long-term structural stability and security.

Hazards Policy 1: New Development. *All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. ...*

Hazards Policy 2: Erosion and Geologic Stability. *New development shall ensure structural stability while not creating or contributing to erosion or geologic instability.*

Hazards Policy 6: Bluff Setbacks. *New development or expansion of existing uses on bluffs shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance.*

Analysis

Project Background

The purpose of the proposed project is to provide a long-term solution to the adverse effects of shoreline erosion on the segment of Highway 1 from just north of the Piedras Blancas Lighthouse to the Arroyo de la Cruz Bridge. The project was initiated due to severe coastal

erosion that continues to threaten to undermine the highway and for which the Commission has previously approved coastal development permits for the installation of shoreline armoring to protect the highway. Specifically, in 1997 Caltrans received Commission approval (CDP 3-97-039) to install extensive rock arrays and revetments at several locations along more than a quarter-mile stretch of the highway. In 2007, the Commission authorized retention of those rock arrays and revetments and allowed for an additional 450 linear feet of rock arrays and/or revetments in an unarmored area, and also allowed for the expansion of some of the existing rock arrays up to full revetments as needed (CDP 3-07-030). This approval was temporary for ten years (i.e. until October 12, 2017) or until construction of the inland realignment of Highway 1 is complete and through traffic is diverted to it, whichever occurs first. CDP 3-07-030 also requires that by April 12, 2017, Caltrans shall submit a detailed rock removal and restoration plan for the site, with the goal of the plan being removal of the temporary rock and associated structures authorized by CDP 3-07-030 and returning the areas to their pre-armoring installation condition.

Road Realignment

LCP Hazards Policy 6 requires that development be set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures. Further, early in the planning process for the proposed project, the stated goal was to protect the highway from bluff erosion for approximately 100 years.

A Preliminary Geotechnical Report (January 2001) was prepared for the proposed road realignment. The report describes the erosion that has taken place along various points of the existing highway from 1957 through 2005, and calculates the erosion rates over different time periods. The geotechnical analysis accounted for sea level rise, and used the upper range of sea level rise projections for 2100.¹ The report estimated an erosion rate of 3 to 4.5 feet/year to determine 50- and 100-year setbacks. Using the long-term erosion rate of 4.5 feet/year, the proposed new roadway is set back a sufficient distance to not be threatened by erosion for at least 100 years. In fact, based on this rate, most of the roadway would not be threatened for 200 years or more.

Additional analysis presented in a Supplemental Report (2006) found that the observed bluff erosion rates were comparable to those presented in the 2001 Preliminary Geotechnical Report, with the exception of the locations between post-miles 65.14 and 65.73 in the northern part of the project site, where it is clear that shoreline retreat is occurring at a significantly higher rate than the remainder of the project site. Specifically, the erosion rates observed approach 5 feet/year at post-miles 65.14, 65.40, and 65.55 (equivalent to 500 feet of erosion over 100 years), and the rate at post-mile 65.73 has been over 6.6 feet/year (equivalent to at least 660 feet of erosion over 100 years). The proposed new roadway will be set back about 600 feet in these areas, which

¹ The Preliminary Geotechnical Report was completed prior to the release of the draft National Research Council (NRC) report in 2012 (*Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*). However, the values used for sea level rise in the Preliminary Geotechnical Report are fairly comparable to the upper range of the values in the NRC report.

provides a 100-year setback for the areas along post-miles 65.14, 65.40, and 65.55, and an approximately 90-year setback at post-mile 65.73.

In general, the Commission determines setbacks based on the highest observed erosion rates. This is a way to account for the possible increase in future erosion due to rising sea level. Also, in this area existing rock slope protection is to be removed per the requirements of CDP 3-07-030. Although the recent erosion rate covers several years prior to rock installation, the coastal bluffs in this area are actively impacted by waves on a frequent basis. Thus, after rock removal there is likely to be a rapid retreat at some of the weakened bluff that is now being supported by the rocks.

The proposed road realignment is consistent with the LCP's 75-year setback requirements, including the portion of the site along post-mile 65.73. However, this portion of the project would only be adequately set back for about 90 years, ten years less than the stated goal of 100 years. One way to address this issue would be to require the road in this location to be moved farther inland. However, the proposed alignment is already located at the inland edge of land that is available to Caltrans under the Hearst Conservation Easement Agreement. Also, siting this small portion of the proposed roadway farther inland would require more landform alteration due to the presence of steep topography, inconsistent with the Coastal Act's visual protection requirements.

Coastal Act Section 30235 allows shoreline armoring to protect *existing* structures in danger from coastal erosion. Coastal Act Section 30253 requires that new development assure stability and structural integrity and prohibits shoreline protective devices for new development. The proposed project is consistent with Sections 30235 and 30253 because the realigned roadway is set back a sufficient distance such that it will not be threatened by shoreline erosion for many decades. The proposed project will also provide for the removal of the shoreline armoring along the existing highway alignment, which will eliminate those structures' adverse impacts to public views and local shoreline sand supply, consistent with Coastal Act Sections 30251 and 30235. However, to ensure that the requirements of Coastal Act Section 30253 are adequately met, Special Condition 15 prohibits future construction of shoreline protection to protect the realigned highway. Also, given the project's location in an area that is subject to extreme coastal hazards, Special Condition 13 requires that the Applicant assumes all risks for developing at this location. With these conditions, the proposed road realignment can be found consistent with Coastal Act Section 30235 and 30253.

California Coastal Trail

A segment of the California Coastal Trail (CCT) will be located on the seaward side of the realigned highway and thus will likely be threatened by erosion in less than 75 years. The trail will be located on State Parks' property, and State Parks has a policy against shoreline protective devices. According to California State Parks Departmental Notice No. 99-18:

The Department of Parks and Recreation shall avoid construction of new structures and coastal facilities in areas subject to ocean wave erosion, seacliff retreat, and unstable cliffs, unless specific determinations have been made that the risk of loss of the facility is clearly offset by the investment and need for the facility. Measures shall be taken to minimize human-induced erosion by reducing concentrated surface runoff from use

areas, elevated groundwater levels from irrigation and urbanization, and surface disturbance of blufftop soils.

In recognition of California's actively eroding coastline, new structures and facilities located in areas known to be subject to ocean wave erosion, seacliff retreat, or unstable bluffs shall be expendable or movable. Structural protection and re-protection of developments shall be allowed only when the cost of protection is commensurate with the value (physical and intrinsic) of the development to be protected, and when it can be shown that the protection will not negatively affect the beach or the near-shore environment.

In any event, shoreline protection would not be necessary to protect the trail because the trail can be moved inland as erosion occurs. Thus, Special Condition 15 prohibits future shoreline armoring to protect the trail. Special Condition 9 also requires that the CCT Access Dedication area shall be ambulatory, including that the trail shall move inland if relocation is necessary to retain trail continuity and utility. Also, the trail alignment will generally be safe, but periodically the trail could be threatened by wave run-up due to large storms or swells. Special Condition 5(b)(4) allows for temporary trail closure due to hazardous conditions and requires management measures to direct users away from any hazardous conditions that may exist on the trail. As conditioned, the proposed project is consistent with Coastal Act Section 30235 and 30253 regarding the safety and alignment of the California Coastal Trail.

F. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

To be consistent with Sections 30230 and 30231 of the Coastal Act, projects must *maintain, or restore, where feasible, water quality*. In addition, Section 30231 of the Coastal Act requires that any adverse effects of runoff be minimized to protect the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes

Analysis

Existing Conditions

The project site is located in the northern portion of San Luis Obispo County on the coastal plain between the Santa Lucia Range and the Pacific Ocean. The existing roadway has 12-foot-wide lanes and two- to three-foot-wide paved shoulders and comprises 10.35 acres of impervious pavement area. The watersheds and wetlands in the project area support a variety of marine resources, including coastal stream and seasonal wetland habitats. The largest watershed in the area is Arroyo de la Cruz, which is at the north end of the project. Three additional, smaller watersheds are also in the project area. These include Arroyo del Corral (830 acres), Arroyo del Oso (1198 acres), and Arroyo de los Playanos (250 acres). The larger watersheds have distinctive morphology, with steep canyon walls incised into the coastal plain, while Arroyo de los Playanos is a freshwater marsh in the vicinity of the project. Currently, each of these three watersheds is drained through a culvert under the existing highway. These existing culverts inhibit the natural stream geomorphology by arresting the meandering and vertical fluctuations of the stream course within the arroyo and affecting sediment transport processes and the distribution of gravel on the streambed. The culverts also represent barriers to fish and wildlife access within the stream corridor.

Seasonal wetlands and vernal pools are widespread within the gently sloping grasslands of the coastal terrace. Culverts are used to pass surface flow under the existing highway where it would otherwise threaten to flood the road. Some of the wetlands are bifurcated by the highway and the highway presents a barrier to the exchange of surface and groundwater, and impacts the biology of the wetland. Unnatural changes in the timing and duration of flooding in a wetland (hydroperiod) can affect a wetland's functions and biology. The hydroperiod of a wetland is sensitive to upstream impoundments, diversions, or water added from the surfaces of the highway. Seasonal wetlands, which are widespread in the project area, are most vulnerable to changes in water supplies because they tend to be shallow and subject to high rates of evaporation.

Proposed Project

The proposed project includes construction of a new highway inland of the existing alignment, as well as removal of the majority of the existing highway and restoration of the area to native grasslands. These activities, according to the Caltrans Storm Water Data Report, would disturb an area of 55 acres during construction. In addition, as detailed in Special Condition 5, a segment of the CCT will be constructed as part of the project. The CCT would take a separate route closer to the bluff, crossing wetlands with a series of boardwalks and movable bridges. The coastal trail would be six- to eight-feet wide and surfaced with crushed rock, except where there are boardwalks or bridges. Further, the project includes removing culverts and restoring the natural slope contours along the old highway alignment. Finally, the existing impervious highway will be removed, effectively removing 10.35 acres of currently untreated highway surface.

Impervious Surfaces

The project has several permanent impacts, as well as several potential interim water quality implications during construction. Introduction of impervious surface by road surfaces results in two long term (permanent) impacts to the natural hydrologic balance of coastal waters. The first

impact on water quality is due to the introduction of pollutants. Pollutants commonly detected in highway runoff commonly include:

- Petroleum products (e.g., gasoline, diesel fuel, motor oil and other lubricants) are common pollutants deposited on the highways and Caltrans' rights-of-way. Some fuels and lubricants contain additives, which may themselves be toxic to humans and aquatic life. Potential sources of petroleum products from Caltrans' activities include leaks from vehicles and machinery and maintenance activities such as fueling, changing oil and washing. Although petroleum products are commonly used on a daily basis, it is important to be careful about how they are used and disposed.
- Sediment, when it significantly exceeds natural concentrations. Sometimes other potential pollutants (e.g., lead) may become attached to sediments and are transported with the sediments to receiving waters, increasing the potential for water quality impacts. Possible sources of sediment in runoff from highway maintenance activities include the tracking, transport and storage of loose bulk materials (e.g., sand or other aggregate), grading-related activities and soil erosion.
- Litter, defined as manufactured objects, and including items such as paper, aluminum cans, styrofoam cups and other items commonly discarded, which can be transported by wind and storm water into the storm drainage system.
- Dissolved and suspended metals. Metals found in highway storm water runoff are considered pollutants because above a certain threshold even low concentrations of these materials may harm aquatic life. These metals come from various sources and activities, including fuel combustion, brake pad wear (copper), tire wear (cadmium and zinc), metal corrosion, pressure-treated wood and creosote posts used for guard rails (arsenic), paints, herbicides and other materials.
- Nutrients, generally nitrogen and phosphorus, but also including other essential trace elements. Some of the possible sources of nitrogen and phosphorous from Caltrans' maintenance activities and facilities include storage of fertilizers, decaying plant materials from tree trimming, vegetation management surfactants and emulsifiers and natural sources such as the mineralized organic matter in soils.
- Pathogenic microorganisms, including viruses, bacteria, protozoa and helminth worms. Sources are soil microorganisms, wild and domestic animal droppings, and seepage from septic tanks and spillage from portable toilets.
- Pesticides, insecticides, and herbicides, which are used in Caltrans chemical weed control and integrated pest management activities.
- Asphalt and epoxy resins. A common product used extensively in Caltrans' maintenance activities is asphalt (especially cold mix), which, while not a pollutant under normal conditions of use, could potentially contribute pollutants to surface waters if mishandled or disposed of improperly. Some bonding, adhesive materials and protective coatings contain

epoxy resins. Caltrans' maintenance activities that use epoxy resins include repairs of cracks, joints, bridges, barriers and irrigation lines.

Pollutants are washed off the impervious highway surfaces during rainfall events and become entrained in the highway runoff. The pollutants originate from the vehicles that travel on the highway, maintenance of the highway, and adjacent graded and landscaped areas. This runoff can reach coastal waters such as the streams, wetlands, and groundwater present in the project area.

The second impact on water quality is due to higher volumes and higher velocities of runoff during storms than in the undeveloped condition due to the addition of impervious surfaces. The drainage system for the highway also concentrates and often redirects runoff, which also may locally increase flow volumes and velocities in a given area. Adding volume and velocity of runoff can exceed the natural balance between runoff, sediment supply, and resistance to erosion of the bed and banks of a stream course, and result in accelerated erosion of the stream channel. Slight changes in hydrology, including changes in the pattern of runoff, can effect large changes in seasonal wetlands.

From a water quality perspective, the greatest area of concern is the project's potential permanent contribution to impervious surface area by the new road. The project creates a larger surface area that will produce more runoff than the existing highway, commensurate with its size. The new highway will be constructed of hot-mix asphalt on Class II asphalt base, with 12-foot-wide lanes with eight-foot-wide shoulders. The highway project will have an impervious surface area of 14.25 acres, or 3.9 additional acres as compared to the existing highway, representing a 37.7% increase over the current 10.35 acre area. As the area of impervious surface increases, it becomes incrementally more difficult to dissipate, infiltrate, or treat runoff. Runoff from the road surface that is directed to the grasslands and soils in the project area is anticipated to attenuate some of the flow volume and velocity, and plants and soils can be fairly effective at removing pollutants. However, even with the moderating effect of the relatively natural project setting, concentrated flows from added impervious highway surfaces and the network of road ditches, culverts and other drainage facilities pose pollutant and hydroperiod-modification issues.

Proposed mitigation for the runoff from the new roadway includes installing water quality vegetated buffer strips (VBS) and bio-filtration strips (BFS). Both VBS and BFS refer to linear trough-like features located adjacent to the road shoulder that have 1:4 (vertical to horizontal) or flatter vegetated side slopes. These receive sheet flow from the roadway, and are at least 12-15 feet wide. Both water quality VBS and BFS are expected to be effective at removing pollutants from tainted highway runoff.

According to Caltrans, the distinction between water quality VBS and BFS is that the BFS are identified as permanent storm water treatment BMPs. The BFS are required by the Caltrans NPDES Permit, and pilot projects and studies of BFS have proven that the pollutant removal efficiency of BFS is about 80%. The BFS are also entered in an inventory and database of State facilities and are maintained according to existing District maintenance protocols. The VBS is an equivalent feature, according to Caltrans storm water program personnel, but will not be entered

into the inventory of permanent storm water treatment facilities, and has not been proven through studies to achieve a specific level of pollutant removal.

A total of 3.76 acres of the project's impervious surface will flow to BFS and 6.53 acres will flow to VBS. Cumulatively, 10.29 acres of the projects total 14.25 acres of impervious surface will be treated in either VBS or BFS; 72.2% of the total impervious surface will be treated and 27.8% will be untreated. Most of the road and road shoulder that does not drain to water quality VBS or BFS is at locations where the road drains to the inboard (uphill) direction where constructing VBS or BFS is restricted by topography.

Drainage Crossings

Three bridges are proposed as part of the project at Arroyo del Oso, Arroyo del Corral and Arroyo de los Playaños (from north to south). Arroyo de los Playaños is the smallest watershed, at about 250 acres, and is characterized as a freshwater marsh. At the bridge location there is no defined channel or thalweg (low point), but the substrate is saturated and inundated seasonally. The abutment fill will be constructed outside of the marsh limits. A set of four-foot-in-diameter piers is proposed to be built within the marsh. Due to the low slope gradients of the water course in this location and absence of a defined channel, the piers are not expected to have a significant effect on channel-forming processes or the ecology of the wetland. Currently, the plans for drainage of the Arroyo de los Playaños Bridge are not clear whether or not incident highway pollutants in runoff from the bridge deck will be filtered through a water quality improvement feature.

The bridge abutment fills at Arroyo del Corral will be placed on the arroyo banks several feet above the low flow channel elevation. Because the bridge length is long relative to the width of the arroyo, little influence on the geomorphic expression of the arroyo is expected to result as a result of the placement of the abutments. The Arroyo del Corral Bridge will incorporate two sets of piers. Each of the piers will be 5.5 feet in diameter and constructed with foundations excavated in the channel floodplain. The depth of the foundations will tolerate vertical shifts of the streambed over time, and will be placed outside the current thalweg (low point) of the active channel. Depending on the design, the bridge piers would allow the channel to migrate vertically and laterally over time across the streambed and its floodplain, in a natural response to the evolution of channel conditions. Currently, the drainage plan for the Arroyo del Corral Bridge shows runoff from the deck collecting in a system of inlets and flowing into down drains that outlet at the floor of the arroyo. This drainage is expected to carry incident highway pollutants.

The bridge abutment fills at Arroyo del Oso also will be placed on the arroyo banks several feet above the low flow channel elevation. Because the bridge length is long relative to the width of the arroyo, little influence on the geomorphic expression of the arroyo is expected to result due to placement of the abutments. The Arroyo del Oso Bridge will incorporate one set of piers. Each of the piers will be four feet in diameter and constructed with foundations excavated in the channel floodplain. The depth of the foundations will tolerate vertical shifts of the streambed over time, and will be placed outside the current thalweg (low point) of the active channel. Depending on the final design, the piers would allow the channel to migrate vertically and laterally over time across the streambed and its floodplain, in a natural response to the evolution

of channel conditions. Currently, the drainage plan for the Arroyo del Oso Bridge shows runoff from the deck flowing towards water quality BFS on the north side of the structure.

Several seasonal coastal wetlands are bisected by the new alignment. These areas will employ either a system of culverts and/or porous road prism foundation materials to pass surface and subsurface water flows and maintain hydrologic connectivity. Ephemeral wetlands form where rainfall ponds in topographic depressions above clay soils that inhibit deep percolation. Where the highway embankment crosses these areas, a geotextile-wrapped blanket of porous media is incorporated in the road prism foundation to pass flows through the roadway. The porous media foundations will be placed within areas excavated into the wetland soils to a depth of 1.5 feet below the ground surface. These materials will have a greater ability to transmit water than the native soils and will mediate the subsurface water elevations across the roadway. About 1,250 linear feet of highway will be underlain by the porous foundations in four locations ranging from approximately 300 to 400 feet in length.

Finally, culverts are used to carry flow under the road prism in ten locations. In several locations, the porous road base materials are supplemented by culvert systems. The culverts would carry water periodically during rainfall events after the wetlands become inundated. Some sites will use multiple culverts in order to utilize small diameter pipes that do not necessitate an increase in the height of the road prism, but are able to handle the anticipated flow volume. All but two culvert locations are designed to drain ephemeral wetlands, marsh areas, and, at one site, a small, incised drainage associated with a narrow band of ephemeral wetland. The remaining two culverts drain either the roadside inboard ditch or an inboard ditch that has been designed as a water quality VBS. These collect flows from the road surface and uphill side (inland) of the roadway. Several of the culverts also act to divert flow from its current destination to new locations, as follows.

- Approximately 600 linear feet of new roadway runoff will be diverted to the culvert at station 301+60, which outlets into an existing wetland.
- Approximately 250 linear feet of new roadway runoff will be diverted to Arroyo del Corral rather than the swale north of the motel.
- Approximately 700 linear feet of new roadway runoff will be diverted to Arroyo Del Oso rather than the existing culvert, which discharges at the edge of the ephemeral coastal prairie wetland.
- Approximately 400 linear feet of new roadway runoff will be diverted to the new culvert and unnamed, incised channel, at station 396+20, where it previously flowed to a culvert at station 415+05.

Summary

The project will include both removal of the existing highway and the construction and operation of new highway, parking, and trail facilities. The development proposal includes a substantial area of disturbance (55 acres), and includes grading, excavation, vegetation removal, and the creation of impervious highway surfaces. All of these activities have the potential to increase erosion, sedimentation and runoff, with significant implications for adverse impacts to the quality and biological productivity of coastal waters both during construction and in the long

term. Direct displacement and modification of wetlands and streams, along with the addition of polluted runoff and sedimentation, could significantly impact the viability of wetlands, streams and their associated threatened and endangered species habitats.

The applicant has proposed project features and mitigation to help protect water quality and minimize impacts to wetlands and streams. These include providing for treatment of highway runoff from new impervious surfaces. 72% of the road surface will drain either to water quality bio-strips or vegetated filter strips located in graded swales created along the pavement shoulder. Concentrated runoff collected in a network of ditches and culvert systems will be outlet to energy dissipating structures that incorporate a hybrid rock and vegetation design. The three larger drainages in the project area will be spanned by bridges, replacing the existing culvert crossings. Further, hydrologic continuity of seasonal wetlands that are bifurcated by the new alignment will be provided by permeable road base that connects seasonal shallow groundwater, and culverts that maintain the continuity of ponded surface waters. The old road will be decommissioned and rehabilitated by removing road surfacing and base material and re-grading the land to blend with the surrounding terrain, and restoring channel road crossings by removing road prism fills and culverts, re-soiling banks, and planting vegetation. Construction impacts will be addressed, in part, through enforcing requirements of the Statewide Construction General Permit issued by the Water Resources Control Board, which requires the contractor to prepare a standard Storm Water Pollution Prevention Plan, to be approved by Caltrans, prior to beginning construction.

Although the design components and mitigation proposed is protective of water quality, additional project components would refine the project and enhance successful implementation. First, several design changes must be made to ensure water quality is protected as required by the Coastal Act, over the life of the project. Special Condition 2 requires these changes to be shown on the Revised Final Plans, which must be submitted to the Executive Director for review and approval, prior to issuance of the CDP. ~~Special Condition 2a would require the outer three feet of the eight foot wide proposed shoulder to be constructed of permeable gravel and grass rather than impervious asphalt. With the outer three feet of shoulder using permeable surfacing rather than asphalt, up to two acres of impervious surface would be not be constructed. This change will reduce runoff and increase the percentage of treated surface from approximately 72 to 84 percent. In addition,~~ Special Condition 2h would require VBS to be replaced with BFS in any location where highway runoff, including runoff from bridge decks, would flow directly to coastal waters. As described above, the use of BFS will ensure that the targeted water quality standards are consistently met.

Second, impacts to water quality during construction can be readily minimized through the development and implementation of a construction plan that, at a minimum, includes identification of all construction and staging areas, all construction methods and timing, and all other construction BMPs (i.e., erosion control measures, washing/refueling areas, spill containment measures, site cleanup procedures, waste disposal, etc.), including those designed to prevent release of construction-related materials, liquids, soil, and debris into streams and coastal waters (see Special Condition 6). To ensure maximum public notification and good construction relations, the construction plan must also be kept on site and all persons involved in construction must be briefed on the content and requirements of it, and a construction coordinator must be

designated and available to answer questions and also investigate complaints and take remediation action if necessary, 24 hours per day for the duration of the project (see Special Condition 7).

Finally, in terms of post-construction water quality measures, the project includes constructing a large area of impervious surface, which would lead to increased runoff and adverse impacts on water quality. Therefore, Special Condition 8 requires a water quality management plan to be submitted for review and approval prior to issuance of the CDP. Specifically, the plan must identify the location and configuration of all post-construction BMPs, and must identify plans for repair and maintenance of those BMPs, including with a proposed schedule for such maintenance. In addition, this special condition requires all BFS to be sized to treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff.

As proposed and conditioned, the project will protect water quality as required by the Coastal Act.

G. PUBLIC VIEWS

Applicable Policies

Coastal Act Section 30251 protects public views and states:

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

Coastal Act Section 30240(b) also protects the aesthetics of beach recreation areas such as those located directly adjacent to and at the project site and Coastal Act Section 30254 requires that Highway 1 remain a scenic two-lane road in rural areas of the coastal zone:

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

***Section 30254:** New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road...*

In addition, because visual access is a form of public access, the public viewshed here is also protected by the access and recreation policies of the Coastal Act previously cited.

The LCP's *North Coast Area Plan Standard for Site Design and Building Construction* addresses site selection criteria for lands outside of urban and village reserve lines.

6. Site Selection. Primary site selection for new development shall be locations not visible from Highway 1 as follows:

- a. Sites shall be selected where hills and slopes would shield development unless no alternative location exists or the new development provides visitor-serving facilities.*
- b. New development shall be located so that no portion of a structure extends above the highest horizon line of ridgelines as seen from Highway 1.*
- c. Where single ownership is on both sides of Highway 1, building sites shall be located on the east side of Highway 1 except for identified visitor-serving development.*
- d. Development proposals for sites with varied terrain are to include design provisions for concentrating developments on moderate slopes, retaining steeper slopes visible from public roads undeveloped.*

Visual and Scenic Resources Policy 1. Protection of Visual and Scenic Resources. *Unique and attractive features of the landscape, including, but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected.*

Visual and Scenic Resources Policy 2. Site Selection for New Development. *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Visual and Scenic Resources Policy 4. New Development in Rural Areas. *New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height bulk style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited.*

Visual and Scenic Resources Policy 5. Landform Alterations. *Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.*

Analysis

Scenic and Visual Character of the Site

Highway 1 in San Luis Obispo County is an officially designated State Scenic Highway. The intent of the California Legislature in designating a State Scenic Highway is to “establish the State’s responsibility for the protection and enhancement of California’s natural scenic beauty by identifying those portions of the state highway system, which, together with the adjacent scenic corridors, require special conservation treatment.” This segment of Highway 1 was also named a National Scenic Byway and All-American Road by the Federal Highway Administration (FHWA) in 2002, and is one of only 21 such National Scenic Byways and All-American Roads in the entire United States. FHWA guidance regarding the designation of All-American Roads states: “The road or highway must also be considered a destination unto itself. To be recognized as such, it must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip. The characteristics associated with the intrinsic qualities are those which best represent the nation and which may contain one-of-a-kind features that do not exist elsewhere.” Both the State Scenic Highway designation and the All-American Road designation are due in large part to the spectacular westward ocean views from Highway 1.

The project site is located along a rural stretch of Highway One with only scattered areas of development in the vicinity (e.g., the former Piedras Blancas Motel, the residences east of the existing highway, overhead utility poles and lines, temporary K-rail and riprap along the ocean bluff, and some roadside and commercial signs). Inland are rolling hills capped by majestic mountain ranges (which constitute part of the Hearst Ranch), and the dynamic rocky shoreline and the Pacific Ocean (and the Monterey Bay National Marine Sanctuary) are just west of the Highway. Thus, the Highway here snakes through a pastoral and highly scenic stretch of central California coast where it is essentially the only north-south access route along a relatively undeveloped coastline. The undulating topography of the region allows the opportunity for long range views; however, the highway traveler also experiences close- and mid-range views of the coastline and the shore.

The majority of people viewing the project area are on the highway, either in a vehicle or on a bicycle. Other viewing opportunities from recreational locations include visitors using the former Piedras Blancas Motel for coastal beach access, bicycle and pedestrian viewpoints along the existing highway road shoulder, and views from the ocean.

Road Realignment

The proposed project would relocate a 2.8-mile stretch of Highway 1 inland, still parallel to but farther away from the coast. The new alignment would follow a curvilinear path, varying in distance east from the existing alignment between about 80 feet at the narrowest point to about 475 feet at the widest. The proposed project also includes three new bridges with associated railings.

The existing Highway 1 alignment includes direct shoreline views for much of its length. The proposed alignment would move this section of highway farther from the ocean bluff and would reduce the extent of close-in views of the shoreline, adversely impacting the visual experience of highway travelers. However, the proposed alignment would retain some of these close-in shoreline views where the proposed alignment is not far from the existing highway alignment,

particularly in the Area of Arroyo de Corral and at the northern end of the project site (see Exhibit 7 for visual simulations – OV-2 and OV-4). Also, given the natural topography of the site, the proposed road alignment would be higher than that of the existing roadway elevation, which would increase long-range views of the surrounding landscape and coastline (see Exhibit 7 – OV-3 and OV-4). Even so, the views of the ocean will be seen from a greater distance along the majority of the new road alignment, compared to the existing alignment, and travelers in the area will see a wide paved road in an open grassland area that contains a few houses. Thus, the quality of views from along the new highway will be lower than the current view quality from the existing highway because views to the ocean will be farther away and views of the remaining houses will be closer. Also, new bridge railings will interfere with views, although only minimally because their design follows adopted bridge railing guidelines, i.e. the bridge railings will incorporate an open-style that the Commission has approved along other scenic portions of Highway 1.

Given all the above, the proposed road relocation will not maintain the existing quality of the views in the area, inconsistent with Coastal Act Section 30251 and LCP Visual and Scenic Resources Policies 1, 2, and 4. However, as discussed in the Hazards section above, the proposed alignment is necessary to address the severe coastal erosion that threatens to undermine the highway, and to ensure that the highway will be safe from erosion for at least 100 years. Thus, the proposed alignment is necessary and should not be altered. However, the scenic and visual impacts of the proposed alignment need to be mitigated.

As discussed above, Caltrans has not included construction of a segment of the California Coastal Trail (CCT) along this section of coast in its project description and application. However, Caltrans has been in active negotiations with State Parks about the trail and has pledged cooperation in seeing that the coastal trail within the project area is built. Caltrans and State Parks have also coordinated on trailhead parking for the future CCT segment, which will include retention of and/or improvements to three existing parking areas in the vicinity.

The CCT trail segment will provide lateral access along this section of coast seaward of the proposed highway alignment and will connect to existing volunteer bluff and beach access trails, thus protecting visual access to scenic resources in the area. Specifically, pedestrians will be able to experience scenic views both seaward (ocean, elephant seals, etc.) and inland (pastoral landscape) on the new trail. Special Condition 5 requires that this CCT segment be completed. To ensure that the trail blends with the natural environment, Special Condition 5(b)(2) requires that the trail be unpaved and limited to six feet in width. With respect to the parking areas for the CCT, Special Condition 5(b)(3) requires that these areas be screened, with appropriate native vegetation, from view of the realigned highway.

Also, as discussed in other sections, the project is conditioned to require restoration of wetland and coastal prairie habitats (see Special Condition 1), and previous authorized CDPs (see “Hazards” section) require the removal of the existing temporary shoreline armoring along the ocean bluff. The required habitat restoration and removal, as well as the shoreline armoring removal, will enhance the visual experience of travelers through the area, and will also help to mitigate the visual impacts of the road realignment.

Regarding the Sani and Welsh parcels, previous CDPs from the County and the Commission provide for residential use on these parcels, and also include development restrictions to protect scenic views. To allow for the proposed realignment of the highway to take place on these parcels, Special Condition 10 requires evidence that San Luis Obispo County (for the Sani Parcels) and the Commission (for the Welsh parcel) have amended the applicable CDPs (COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P (Sani parcels); A-3-SLO-00-119 (Welsh parcel)) to allow for the highway to be constructed in its proposed new alignment on these parcels.

Thus, with the above conditions, the proposed road realignment can be found consistent with Coastal Act Section 30251 and the LCP's Visual and Scenic Resources Policies regarding the protection of scenic resources.

Number of Lanes/Road and Shoulder Widths

The travel lanes of the existing Highway 1 alignment that would be replaced are approximately 12 feet in width in each direction, and the existing shoulders vary in width from between zero and eight feet. As proposed, the new alignment would have one 12-foot-wide lane and one eight-foot-wide paved shoulder in each direction (for a total pavement width of 40 feet), and would be fenced with wooden post and wire fencing on both sides of the right-of-way boundaries.

The proposed project maintains Highway 1 as a two-lane scenic road along this rural section of coast. However, the right-of-way surrounding this section of Highway 1 is extensive and could accommodate a highway that is more than two lanes. To ensure that future proposals in this area do not seek to expand the highway to more than two lanes total, Special Condition 4 requires that this stretch of Highway One be maintained as a two-lane road in perpetuity (except for turning lanes), as required by Coastal Act Section 30254.

The proposed project includes a standard width of 12 feet per lane, which is comparable to the lane width along the existing highway alignment. Thus, the proposed lane width will not have any impact to visual resources over the existing conditions. However, the proposed project includes eight-foot-wide paved shoulders in each direction, whereas the paved shoulders along the existing highway alignment range in width from zero feet to eight feet (see Exhibit 8). Also, the proposed paved shoulder width is not comparable with those in the nearby northern segment of Highway 1, which extends from the Monterey County-San Luis Obispo County line southward to the project site. That segment of Highway 1 has paved shoulders ranging from zero to four feet in width with the exception of bridge shoulders. And, further north in Big Sur, the road shoulders are narrow, rarely (if ever) exceeding four feet in width. South of the proposed project site, the highway's shoulders are generally wider, but are not all consistently eight feet wide.

The proposed eight-foot-wide paved shoulders would add substantially more visible paved surface over what currently exists along the current road alignment, and are also not comparable to the existing paved shoulder widths along Highway 1 north and south of the project site. As stated above, this stretch of Highway 1 is designated a State Scenic Highway, which means that the State Legislature has found that the state has a responsibility to protect and enhance the natural beauty of this scenic corridor. This stretch of Highway 1 is also a federal All-American

Road, which means that the scenic features of this highway corridor are so significant that they are recognized nationally. The proposed increase in paved shoulder to a standard eight-foot width would alter the visual rural character of the area ~~and render it less scenic, and but not to the extent that it would significantly conflict with the State Scenic Highway and All-American Road designations (see also response to comments section that follows on these points).~~ ~~For these reasons, the proposed eight foot paved shoulder width is inconsistent with the scenic resource protection requirements of Coastal Act Section 30251 and the LCP Visual and Scenic Resources Policy 4, which require new development to be subordinate to, and blend with, the rural character of the area. This Coastal Act and LCP inconsistency, however, can be addressed through Special Condition 2(a), which requires that the eight foot wide shoulder in each direction be composed of five feet of pavement and three feet of unpaved area composed of gravel and native grasses (the paved shoulder area on and approaching the bridges may be wider because bridges must have an eight foot wide shoulder to allow for bicycle traffic and for cars that may need to pull over). This condition will reduce the amount of pavement seen along this State Scenic Highway and All-American Road, while still providing for a usable shoulder width of eight feet.~~ As conditioned, the proposed project will help to retain the rural visual character along this highly scenic stretch of Highway 1, consistent with Coastal Act Section 30251 and the LCP Visual and Scenic Resources Policy 4.

Landform Alteration

Coastal Act Section 30251 requires that new development minimize the alteration of natural land forms. LCP Visual and Scenic Resources Policy 5 requires that landform alterations within public view corridors be minimized. However, as a result of natural topographic variety, the proposed new road alignment would result in substantial cut and fill slopes, especially at the northern end of the project (see Exhibit 3 and Exhibit 6). At two locations, the proposed road alignment would “notch” through the landform, requiring cut slopes on each side of the roadway. The earthwork required for these areas would create unnatural landform remnants that would affect travelers’ views to the ocean and the inland hills. The visible cut and fill slopes would be inconsistent with the natural landforms of the area and would be most obvious during the first two years following construction, until native plantings became established in these areas. The proposed cut and fill slopes would be visible from the new roadway alignment as well as from the recreational area surrounding the former Piedras Blancas motel, and from a portion of the future California Coastal Trail.

To reduce the potential impacts due to landform alteration, the proposed project includes a number of minimization and mitigation measures. First, Caltrans will prepare a contour grading plan that reduces the engineered appearance of cut and fill slopes throughout the project’s boundaries. The contour-grading plan will use slope-rounding and other techniques to create natural-looking landforms. Second, landforms that are created on the ocean side of the new highway that would potentially affect ocean views and/or look unnatural will be removed to the extent practicable or contour-graded to appear natural. And third, except for a few small portions of the existing roadway that will be maintained for State Parks’ public recreational uses (see Public Access section above), the existing roadway will be restored to a naturally-appearing condition to the greatest extent feasible, i.e. all existing asphalt and road base along the length of the abandoned roadway will be removed and the existing landform of the abandoned roadway will be re-contoured to resemble natural landforms and re-vegetated with appropriate native plant

species. These minimization and mitigation measures are adequate to reduce the project's impacts on landform alteration for most of the project. However, along the northernmost part of the realigned highway, substantial grading and landform alteration is proposed. Earthwork here would extend to around 150 feet from the pavement edge as opposed to only 30 or so feet elsewhere along the proposed realignment. In this location there is only a half percent elevation gain. Thus, with a revised curvature and narrower footprint of 5/3-foot shoulders with no backing, some amount of earthwork may be eliminated. The Commission acknowledges that it is uncertain as to whether or not adding a safe access into the northern parking area, as required by Special Condition 2(b), will increase or decrease grading, but given the fact that this area is where the current alignment and the new alignment will be converging, there may be opportunities to take advantage of areas already graded for the existing highway and shoulder.

In any event, the plans for this segment of the new roadway will need to be revised to provide for a turn lane, or its equivalent, and this may present new opportunities for reducing the substantial grading proposed in this area. Therefore, Special Condition 2(b) requires that the grading and landform alteration in this location be minimized to the maximum extent feasible. With the above proposed minimization and mitigation measures and as conditioned, the proposed project is consistent with Coastal Act Section 30251 and LCP Visual and Scenic Resources Policy 5 with respect to landform alteration.

Utilities

AT&T and PG&E utilities would be affected by the proposed project. The AT&T facilities are currently underground and would likely be relocated to a new underground facility adjacent to the new alignment. At the bridges, the relocated facilities would be incorporated into the bridge structures. Service boxes would be placed roughly every 1,000 feet through the new corridor at a distance from the edge of the roadway that would provide safe access. PG&E power lines are currently located aboveground on poles to the east of the existing roadway. If these utility poles and lines were left in their current location after the project was built, they would be visible west of the highway and would detract from the ocean views. The proposed project would either relocate the poles and associated power lines inland of the new highway alignment near the new eastern right-of-way fence, or would place these utilities underground.

The project site is located in a highly scenic rural area that is designated as a State Scenic Highway and a federal All-American Road. This rural stretch of Highway One has only scattered areas of development in the vicinity, including the existing utility poles and lines, which detract from the rural visual experience for travelers along this section of coast. Coastal Act Section 30251 and LCP Visual and Scenic Resources Policies 1 and 2 require that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Relocating the poles and associated power lines to an aboveground location inland of the realigned highway would add visual clutter into the rural landscape, inconsistent with the requirements of Coastal Act Section 30251. Thus, special conditions disallow utility poles and require that telephone and electrical utilities along this stretch of highway be placed underground. In addition, Special Condition 3 requires that all utility boxes that need to be located aboveground shall be screened with appropriate native vegetation, while minimizing impacts to surrounding scenic views, to the maximum extent

feasible. As conditioned, the proposed project is consistent with Coastal Act Section 30251 and LCP Visual and Scenic Resources Policy with respect to utility infrastructure and views.

Residential Demolition/Screening

There are four properties in the area of the proposed road alignment that contain existing residences: three Sani parcels and one Welsh parcel. Caltrans has purchased Sani Parcels 1 and 2, which will be bisected by the new roadway, and the existing residences on these parcels will be demolished and the land re-contoured, re-vegetated, and restored. To ensure proper restoration of these parcels, Special Condition 10 requires that all structural components of the two Sani houses proposed for demolition, including the houses themselves, landscaping, driveways to the houses, and all utilities (except for the well that provides water to the remaining residence on Sani Parcel 3) be removed in their entirety and the areas restored to either wetland habitat or coastal prairie habitat.

Caltrans is currently in the process of acquiring rights to construct the new highway on the Welsh Parcel, which extends across the inland and seaward sides of both the existing Highway 1 and the proposed realignment. This parcel contains a residence on the inland side of the realigned highway. If Caltrans purchases/condemns this entire parcel, Caltrans staff has indicated that all the residential components on the parcel, including the house itself, associated utilities, and nonnative landscaping, would be removed and the site would be re-vegetated, and restored. If the Welsh residence remains, then both the remaining Sani residence (on Sani Parcel 3) and the Welsh residence would be located inland of the realigned highway. However, the realigned highway would be in closer proximity to these residences than the existing highway, and thus the increased visibility of the residences as viewed by highway travelers would have an impact on the rural and scenic character of the area.

LCP Visual and Scenic Resources Policy 4 requires that structures in that area “shall be designed to be subordinate to, and blend with, the rural character of the area.” In addition, LCP Visual and Scenic Resources Policy 1 requires that the scenic rural landscape of the North Coast be preserved and protected. Policy 4 also allows for the use of native vegetative screening to shield development if it does not obstruct major public views, but only after all efforts have been exhausted to site the development outside of public view corridors.

Both the Welsh residence and the Sani residence that will remain were subject to CDP conditions that required screening of the residences with appropriate native vegetation, and in the case of the Welsh residence, an earthen vegetated berm was also required to screen the residence from northbound Highway 1 travelers. The Commission’s approval of the Welsh residence also included a condition to require that a scenic and conservation easement be executed and granted to the County of San Luis Obispo for all areas of the property outside the approved building envelope, and the Sani property also has a Deed Restriction and Mitigation Agreements recorded against it that include specific requirements for screening. Given that the proposed highway realignment will be substantially closer to these residences compared to the existing highway alignment, the existing vegetation and berming will no longer be adequate to screen these residences from view by highway travelers, inconsistent with Coastal Act Section 30251 and LCP Visual and Scenic Resources Policies 1 and 4. To address this inconsistency, Special Condition 3 requires a landscaping plan that is the minimum necessary to screen the remaining

residences and associated structural developments on the Sani and Welsh parcels, while protecting views of the surrounding hillsides. Special Condition 10 requires that the CDPs for the Sani and Welsh residences be amended to reflect the screening requirements of Special Condition 3, and Special Condition 11 requires that any existing scenic easements, deed restrictions, and mitigation agreements on the Welsh and Sani properties be amended to reflect the landscaping screening conditions of this CDP. As conditioned, the proposed project is consistent with Coastal Act Section 30251 and LCP Visual and Scenic Resources Policies 1 and 4.

Driveways

The proposed project includes several driveways along the proposed realigned stretch of Highway 1. In a number of cases, the visual impact of the driveways will be similar or improved over existing conditions, as follows: 1) access to the Hearst Ranch residence will continue from the portion of the existing driveway located inland of the realigned highway, and the portion of the existing driveway located seaward of the realigned highway will be abandoned and restored with native vegetation; 2) two very short existing paved entry points that provide access to the former Piedras Blancas Motel site will be consolidated into one longer, safer entry drive; 3) the connection to Old County Road on the northern part of the project area (which is used for State Parks' administrative and maintenance access, and provides general public access to Arroyo de la Cruz beach) will be lengthened to connect to the realigned highway, but will be the same width as the existing road access. Thus, the above driveway connections can be found consistent with Coastal Act Section 30251 and the LCP's Scenic and Visual Resource policies and standards.

However, other driveways will no longer be necessary for providing residential access once the highway realignment is complete, and thus these driveways should not be retained. As stated above, the residences on Sani Parcels 1 and 2 will be demolished, but the residence on Sani Parcel 3 will remain. Also, if Caltrans only obtains rights to a portion of the Welsh property, then the Welsh residence could remain. The proposed project will result in portions of the existing driveways to the Sani and Welsh parcels, which are now located inland of the highway, being located seaward of the realigned highway (while the residences will still be located inland of the highway). Thus, these driveways will be visually prominent in seaward views as one travels north and south on the realigned highway, inconsistent with the LCP's Visual and Scenic Resource Policies and Coastal Act Section 30251. These portions of the existing driveways would only be necessary to provide intermittent vehicular access to the wells that serve the Sani and Welsh residences. Given that at least one, if not two, houses that are dependent on these wells will remain, continued vehicular access to the wells for maintenance purposes will be necessary. However, it is not necessary to have two paved, visually prominent driveways to provide access to these wells. Thus, Special Condition 2(d) requires that these separate seaward driveways shall be eliminated and replaced with a single consolidated unpaved entry route from the realigned highway that does not exceed the width standard of an informal rangeland farm road. As conditioned, this component of the project is consistent with Coastal Act Section 30251 and the LCP's Visual and Scenic Resource Protection policies.

Fencing

The Visual Impact Assessment for the proposed project states that all required right-of-way fencing should be either wooden post and wire or T-post and wire. T-post and wire fencing, however, would not blend aesthetically with the surrounding rural landscape. Thus, Special Condition 2(c) requires that all right-of-way fencing be of a similar rustic ranch design. Also, because no commercial grazing will take place on State Parks' property on the seaward side and because barbed wire fencing along public access areas can appear unwelcoming, this condition also requires that right-of-way fencing adjacent to State Parks' property not include barbed wire if possible in light of the Hearst easement. As conditioned, the project is consistent with Coastal Act Section 30251 and the LCP's Visual and Scenic Resource Protection policies regarding fencing.

H. AGRICULTURE

Applicable Policies

The following policies provide for the protection of agricultural land, which is a primary goal of the Coastal Act:

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

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

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

consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The following LCP policies mandate agricultural land protection:

Agricultural Policy 1. Maintaining Agricultural Lands.

Prime agricultural land shall be maintained, in or available for, agricultural production unless:

- 1) Agricultural use is already severely limited by conflicts with urban uses*
- 2) Adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary.*
- 3) Development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.*

Agriculture Policy 3. Non-Agricultural Uses

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use... Non-agricultural developments shall meet the following requirements:...The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. ...

Analysis

The vast majority of the San Luis Obispo County North Coast planning area is designated Agriculture. Most of the area is used for cattle grazing because of predominantly rolling to steep slopes. Although the coastal lowlands have suitable soils for crop production, use of the land for crop production is limited by water availability and extensive wind and fog.

The major agricultural holding in the North Coast planning area is the Hearst Ranch, with the agricultural use being a cow-calf operation. Thus, the land in the area is primarily used for grazing. In 2005, a series of easement agreements (collectively referred to as the Hearst Conservation Easement Agreement) were approved between the Hearst Corporation and other land stewards. The Hearst Conservation Easement Agreement protected about 80,000 acres of the Hearst Ranch on the east side of Highway 1. Under the easement, future development within this 80,000-acre area is restricted to protect the scenic, open space, agricultural and natural resource values of the Hearst Ranch. Also, as part of the Hearst Agreement, Caltrans purchased a Deed of Scenic Conservation Easement over 832 acres of agricultural and open space land along the coast, including this project area, to be preserved in its natural agricultural and open space conditions in perpetuity.

The Final EIR states that: “The project further triggers enactment of the Hearst Conservation Easement Agreement, which protects the surrounding agricultural land from future development.” Caltrans asserts that the 832 acres of agricultural and open space land preserved

as part of the easement agreement provide compensation for any agricultural impacts due to the project.

The proposed project traverses the Hearst Ranch, which contains large areas of soil types designated as Prime Farmland and Farmland of Statewide Importance. According to the project EIR, the proposed road realignment project would take approximately 31 acres of the above soil types out of production, with an additional 14 acres taken out of production through right-of-way fencing. Additionally, the proposed project bisects about 500 acres of grazing land. Specifically, much of the land seaward of the realigned highway will become State Parks' property, and State Parks does not allow commercial grazing on its property.

Coastal Act Section 30241 requires that the maximum amount of prime agricultural land be maintained in agricultural production to assure the protection of the area's agricultural economy. Coastal Act Section 30242 requires that non-prime land suitable for agricultural use not be converted to nonagricultural uses. Both policies limit the conversion of agricultural land to instances where agriculture is no longer feasible or where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where conversion of agricultural lands would complete a logical neighborhood and contribute to the establishment of a stable limit to urban development or would concentrate development in urban areas. The LCP contains similar agricultural protection policies with similar conversion criteria.

The clear intent of Section 30241 is to maintain prime agricultural land in agricultural production and assure that agricultural land is not converted to non-agricultural land uses except in limited circumstances on the periphery of designated urban areas. Thus, the presumption inherent in Coastal Act Section 30241 is that conversion of agricultural lands is prohibited unless there is some basic incompatibility or conflict with immediately adjacent urban land uses that makes agricultural use no longer viable, or unless conversion would complete a logical urban area and/or help to establish a stable urban-rural boundary that better protects agricultural land. In this case, the project site is located in a rural region that is many miles from the nearest urban center, and thus the conversion criteria of Section 30241 cannot be met.

In comparison to Section 30241 and its focus on conversions of agricultural lands around the urban fringe and creating a stable urban-rural boundary, Section 30242 addresses conversions of land suitable for agriculture in all locations. One of the tests for conversion of such land is that agricultural use cannot feasibly be continued or renewed. This wording indicates that Section 30242 was intended to be applied broadly, even to land that is not currently in agricultural use. In this case, the conversion criteria of Coastal Act Section 30242 cannot be met because it would be feasible to continue grazing activities on the land that will be located seaward of the realigned highway because this area has been part of a vast ranch landholding on which grazing has been taking place for over a century. Although this area seaward of the highway will be used for public access and recreation, conversion of this land to these uses does not mitigate for the loss of agricultural land.

Thus, for the reasons stated above, the proposed project does not meet the Coastal Act or the LCP's criteria for conversion of agricultural land to non-agricultural uses. Therefore, the

proposed project is inconsistent with the Coastal Act Sections 30241 and 30242 and the LCP's Agricultural protection policies.

One option to resolve some of these inconsistencies would be to redesign the project to avoid agricultural land loss. However, that is not possible because any road realignment project in this area would be located on grazing land. A second option would be to locate the new roadway alignment closer to the ocean, leaving more contiguous grazing land in private ownership. However, this would defeat the purpose of the project, which is to avoid future coastal erosion. A third option would be to require that some or all of the land seaward of the new highway stay in agricultural use. However, State Parks will be the landowner and State Parks does not allow commercial grazing on State Parks' property. Furthermore, some elephant seal habitat protection and some wetland and prairie habitat restoration, as well as some public access and recreation opportunities, would be compromised if grazing were to continue on the seaward side of the realigned highway.

A fourth option is to adjust the location of the proposed fencing along the inland right-of-way to increase the amount of land that will be available for grazing in this area. As proposed, much of the right-of-way fencing located on the inland side of the realigned highway would be 25 or more feet from the edge of the road shoulder; i.e., 32 feet from the edge of the traveled way. The fencing is necessary to prevent cattle from entering the highway. However, the *Highway Design Manual* recommends only a 30-foot clear zone from the edge of the traveled way. As such, Special Condition 2(c) requires that the inland fencing separating the grazing use from the roadway right-of-way be located no more than 30 feet from the edge of the travel lane. This will result in about an additional acre of agricultural land being available for grazing. However, this does not mitigate for the more than 500 acres of land that will be taken out of agricultural use due to the proposed project.

If agricultural land loss were permissible under the Coastal Act and the LCP, then compensatory mitigation could be required. However, compensatory mitigation for agricultural land is often elusive, because of the difficulty in finding and achieving suitable non-agricultural land to convert to productive agricultural land.

Since the requirements of Special Condition 2(c) will not eliminate the conflict with the Coastal Act's agricultural protection policies, the noted Coastal Act inconsistencies can be accepted through conflict resolution (see Finding K below). Conflict resolution requires that a project be most protective of coastal resources. In order to be most protective, the deficiencies inherent in the noted inconsistencies can be addressed through special conditions of approval to the extent feasible.

Given that restoration or creation of agricultural land is difficult, the Commission has suggested a variety of other compensatory mitigation measures for loss of agricultural land including: permanent protection of the most significant agricultural lands threatened by conversion to non-agricultural use (e.g., through conservation easements, retirement of "paper" subdivisions, etc.) or enhanced separation between non-agricultural and agricultural lands at the urban-rural boundary (e.g., development restrictions). These could occur in potential combination with programs to restore and enhance sustainable agricultural uses, ensure compatibility with adjacent

sensitive habitats, and provide opportunities for agricultural education. In this case, the Hearst Agreement, which was developed and entered into in part to facilitate the proposed highway realignment, protects 832 acres of land (the Westside Public Ownership Conservation Area) through a public ownership transfer to State Parks that is further protected for scenic conservation, open space and agriculture purposes by a Scenic Conservation Easement held by Caltrans. Even more expansively, the overall Hearst Agreement, executed in 2005, includes a conservation easement that preserves a vast majority of the 80,000 acre Hearst San Simeon Ranch's agricultural productivity, biodiversity, and scenic vistas and coastline conservation values into perpetuity. The land transfers and permanent protection of agricultural lands and agricultural uses in this unique State Agreement with the Hearst Company adequately mitigates for this project's adverse impacts to agricultural land, although, as discussed above, the project is still inconsistent with applicable policies because the conversion of agricultural land is not allowed under the Coastal Act or LCP.

I. ARCHAEOLOGY

Applicable Policies

Coastal Act Section 30244 protects archaeological and paleontological resources, and states:

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

The following LCP policies mandate archaeological resource protection:

***Archaeology Policy 1 - Protection of Archeological Resources:** The County shall provide for the protection of both known and potential archeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archeological sites. Where these measures are not feasible and development will adversely affect identified archeological or paleontological resources, adequate mitigation shall be required.*

***Archaeology Policy 4 - Preliminary Site Survey for Development within Archeologically Sensitive Areas:** Development shall require a preliminary site survey by a qualified archeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.*

***Archaeology Policy 5 - Mitigation Techniques for Preliminary Site Survey before Construction:** Where substantial archeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:*

- (a) Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.*

- (b) Preservation of an archeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.*
- (c) When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archeologist knowledgeable in the Chumash culture.*
- (d) A qualified archeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.*

The following LCP County Code section implements the above cited LCP policies:

CZLUO Section 23.07.104 - Archaeologically Sensitive Area: *To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.*

- (a) Archaeologically sensitive areas. The following areas are defined as archaeologically sensitive:*
 - (1) Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.*
 - (2) Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.*
 - (3) Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.*
- (b) Preliminary site survey required. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).*
- (c) When a mitigation plan is required. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources.*

Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the Review Authority.

- (d) Archeological resources discovery. In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.*

Analysis

LCP Archaeology Policy 4 requires that a preliminary site survey be done for proposed development within known archeologically sensitive areas. The project site is known to contain Native American archaeological resources. Archaeological field survey investigations were conducted in 2007 on a total of 697 acres east and west of Highway 1 in the area of the project site, and an archival record search was also done. A total of 20 prehistoric sites were found within the study area, seven of which are located within the area of potential project effect. However, additional evaluations and further studies determined that only a portion of one site (CA-SLO-265, commonly referred to as the “Twin Windmills Site”) was eligible to be listed on the National Register of Historic Places. The Twin Windmills Site is predominately composed of a moderately dense scatter of flaked stone tools and tool-making debris that extends across the upper terrace. Also, a relatively rich shell-waste deposit is situated within the southeast portion of this site on the edge of the terrace extending down slope to the Arroyo del Corral floodplain, buried under recent alluvial sediments. The proposed project would traverse the western portion of the Twin Windmills site, which the Historical Property Survey Report and the State Historic Preservation Officer determined was not eligible for listing on the National Register. To protect the portion of the Twin Windmills site that is eligible for listing on the National Register, the proposed project includes avoidance measures, including showing the site boundary on the project plans and installation of a physical barrier (e.g., orange mesh construction fence) to ensure that construction vehicles, equipment and personnel do not enter this sensitive area.

Prior to any ground-disturbing activities in the remaining areas that could be adversely affected by the project, the engineer, the contractor, a Native American representative, and the Caltrans District 5 archaeologist would meet at the location to discuss the archaeological monitoring area, the Twin Windmills sensitive archaeological area, and the monitoring that will be done during construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area would be diverted until a qualified archaeologist could assess the nature and the significance of the find. The proposed project also includes procedures to be followed in the event that human remains thought to be Native American are

discovered during construction, including notifying the Native American Heritage Commission to ensure the respectful treatment and disposition of the remains.

The proposed new roadway is sited to avoid known cultural resources that qualify for being placed on the National Register. However, while the above project components provide some protection for archaeological resources, the proposed project does not extend to developing appropriate mitigation measures for identified archaeological resources (as required by Coastal Act Section 30244 and LCP Archaeology Policies 1 and 5) and it is not clear that the proposed project adequately provides for the protection of archaeological resources that are unexpectedly discovered or for the known archaeological resources that do not qualify for listing on the National Register. Also, although State Parks' archaeologists have determined that the proposed California Coastal Trail route avoids archaeologically sensitive areas, undiscovered archaeological resources could be found during trail construction. Thus, Special Condition 16 is needed, which requires submittal of an archaeological mitigation and monitoring plan to require: 1) training of all construction personnel regarding the cultural sensitivity of the area and the protocol to be undertaken if cultural resources are discovered during construction of the new roadway and the coastal trail; 2) monitoring of all ground-disturbing activities by a qualified archaeologist; 3) the temporary suspension of construction if archaeological resources (including those that do not qualify for listing on the National Register) are discovered during construction until a qualified archaeologist and Native American representative have examined the site and developed appropriate mitigation measures. As conditioned, the project is consistent with Coastal Act Section 30244 and the LCP's Archaeology policies regarding the protection of archaeological resources.

J. OTHER AGENCY APPROVALS

Other required approvals are from California Department of Fish and Wildlife for a Section 1602 Agreement; U.S. Army Corps of Engineers for a Section 404 Permit; Regional Water Quality Control Board for a Section 401 Certification; U.S. Fish and Wildlife Service and National Marine Fisheries Service for a Section 7 consultation; Monterey Bay National Marine Sanctuary for authorization of this coastal permit; and National Marine Fisheries Service for concurrence under the Marine Mammal Protection Act with regard to elephant seals. These considerations are in process. Thus, the project is conditioned for evidence of other agency approvals (see Special Condition 12).

K. CONFLICT RESOLUTION

Applicable Policy

Section 30007.5. Legislative findings and declarations; resolution of policy conflicts.

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to

urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Coastal Act Section 30200(b) states:

Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

As noted previously in this report, the proposed project is inconsistent with Sections 30233 (fill of wetlands), 30240 (ESHA), and 30242 (agriculture) of the Coastal Act. However, as explained below, denying or modifying the proposed project to eliminate these inconsistencies would lead to nonconformity with other Coastal Act policies, namely Sections 30210, 30220, 30240(b), related to public access, and Section 30251, related to visual resources. In such a situation, when a proposed project is inconsistent with a Chapter 3 policy, and denial or modification of the project would be inconsistent with another policy, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict.

Analysis

Resolving conflicts through application of Section 30007.5 involves the following seven steps:

- 1) The project, as proposed, is inconsistent with at least one Chapter 3 policy;
- 2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
- 3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
- 4) The project, if approved, would result in tangible resource enhancement over existing conditions;
- 5) The benefits of the project are not independently required by some other body of law;
- 6) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict”; and,
- 7) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

The proposed development meets all of the above criteria for applying conflict resolution, as follows:

Step 1

First, for the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. Approval of the proposed development would be inconsistent

with several Coastal Act policies. First, it would be inconsistent with Section 30233, which limits fill of wetlands, because the proposed development includes fill of wetlands, but is not an allowable use for fill of wetlands. Second, it would be inconsistent with Section 30240, which protects ESHA, because the proposed development will be located in ESHA, but is not a resource-dependent use. And finally, it would be inconsistent with policies protecting agricultural land (Section 30242), because it would take viable agricultural land out of agricultural use.

Step 2

Second, the project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources. A true conflict between Chapter 3 policies results from a proposed project which is inconsistent with one or more policies, and for which denial or modification of the project would be inconsistent with at least one other Chapter 3 policy. Further, the policy inconsistency that would be caused by denial or modification of a project must be with a policy that affirmatively mandates protection or enhancement of certain coastal resources. Without a new road, the existing road would experience closures and deterioration due to erosion from storms, thereby being inconsistent with Section 30210 (public access and recreational opportunities). Section 30210 affirmatively requires the Commission to provide maximum public access. Closures of the existing highway due to landslides and coastal erosion would be inevitable in the future because of the highly erosive nature of the bluffs on the seaward side of the existing highway. As such, if allowed to remain in its current location, the existing highway would likely become impassible in the near future, necessitating a 47-mile detour from Carmel to Cambria, and preventing the public from accessing a significant stretch of the coast where there is currently access. Further, if future erosion is addressed through additional shoreline protection, such protection would have the potential to adversely impact public access and recreation, including through loss of beach area and sand supply, inconsistent with Sections 30210 and 30220, 30240(b) (public access and recreational opportunities), and inconsistent with 30251 (visual resources). In most cases, denying a proposed project will not cause adverse effects on coastal resources for which the Coastal Act mandates protection or enhancement, but will simply maintain the status quo. However, where denial of a project would result in significant impacts to public access and recreation, as is the case with the proposed highway realignment, a conflict between or among two or more Coastal Act policies is presented.

Step 3

The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement. For denial of a project to be inconsistent with a Chapter 3 policy, the proposed project would have to protect or enhance the resource values for which the applicable Coastal Act policy includes an affirmative mandate. That is, if denial of a project would conflict with an affirmatively mandated Coastal Act policy, approval of the project would have to conform to that policy. If the Commission were to interpret this conflict resolution provision otherwise, then any proposal, no matter how inconsistent with Chapter 3 that offered a slight incremental improvement over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission concludes that the conflict resolution provisions were not intended to apply to such minor incremental improvements. In this case, the project provides safe and long-term public access to the coast along this highly scenic portion of

Highway 1, and, as conditioned to ensure completion of the CCT segment, the project is fully consistent with the Coastal Act public access and recreation policies. Further, as previously discussed, the project will allow for removal of existing shoreline protection, thereby maximizing public access and recreation by removing rip rap that is currently covering sandy beach area, and allowing the shoreline to erode and new beaches to form.

Step 4

The project, if approved, would result in tangible resource enhancement over existing conditions. This is the case here for several reasons. First, the realigned roadway would no longer be subject to coastal hazards that would ultimately lead to the need for road closures and loss of public access. Second, as conditioned, the project would include construction of a separated bike and pedestrian trail, which would provide an enhanced public recreational experience, as compared to the current bike and pedestrian access. In addition, the realigned highway would contain a continuous ~~eight~~five-foot wide paved shoulder, providing improved access for road bicyclists. Finally, the project would allow for the existing shoreline protection to be removed, which will improve coastal views as compared to existing conditions, as well as lead to enhancements to public access and marine resources, by allowing the shoreline to naturally erode at this location.

Step 5

The benefits of the project are not independently required by some other body of law. The benefits that would cause denial of the project to be inconsistent with a Chapter 3 policy cannot be those that a project proponent is already being required to provide pursuant to another agency's directive under another body of law. In other words, if the benefits would be provided regardless of the Commission's action on the proposed project, the project proponent cannot seek approval of an otherwise unapprovable project on the basis that the project would produce those benefits – that is, the project proponent does not get credit for resource enhancements that it is already being compelled to provide. For this project, Caltrans has an obligation to keep the highway open but has no obligation from another agency to realign the highway farther inland.

Step 6

The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict”. A project's benefits to coastal resources must be integral to the project purpose. If a project is inconsistent with a Chapter 3 policy, and the main elements of the project do not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the project proponent cannot “create a conflict” by adding to the project an independent component to remedy the resource degradation. The benefits of a project must be inherent in the purpose of the project. If this provision were otherwise, project proponents could regularly “create conflicts” and then request that the Commission use Section 30007.5 to approve otherwise unapprovable projects. The balancing provisions of the Coastal Act could not have been intended to foster such an artificial and easily manipulated process, and were not designed to barter amenities in exchange for project approval. In this case the benefits of the project result from its primary purpose – a realigned highway that no longer requires shoreline protection results in a public accessway that will remain open and available for public access, and will allow for existing shoreline protection to be removed, benefiting public access, as well as marine and visual resources.

Step 7

There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies. The only alternatives to the project would involve a different routing. Other routing alternatives present the same Coastal Act inconsistencies as the subject proposal, as they would also go through habitat, agricultural and scenic lands. In addition, alternative locations would adversely affect important cultural resources, inconsistent with Coastal Act policies. Further, constructing shoreline protective devices to protect the highway in its current location would result in inconsistencies with policies related to public access and sand supply, as well as visual and marine resource protection policies.

Conclusion

Based on the above, the Commission finds that the proposed project presents a conflict between Sections 30233, 30240 and 30242 on the one hand, and Sections 30210, (30253(1)), 30220, 30240(b), 30253, and 30251 that must be resolved through application of Section 30007.5, as described below.

Conflict Resolution

With the conflict among several Coastal Act policies established, the Commission must resolve the conflict in a manner which on balance is the most protective of significant coastal resources. In reaching this decision, the Commission evaluates the project's tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandated in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources.

An initial analysis would suggest that allowing a new road that provides continued safe and reliable access and does not further impact beach access and visual resources would not on balance be more protective of coastal resources than the loss of agricultural land, wetlands and ESHA, including some lands previously protected. This is because there is alternative access. However, the alternative access – via Carmel Valley Road and Route 101 – would result in the public being unable to reach a significant stretch of the coast that is currently available for lower cost public access and recreation, and would require through-travelers (e.g., from Monterey, through Big Sur, to San Simeon) to backtrack a significant distance.

Further, given mandates to maintain highways and protect public safety, if the project were denied and the highway were left in place, additional shoreline protection would be required to protect the highway. This is especially likely given that the existing shoreline protection must be removed, and the estimated shoreline erosion rate, without shoreline protection, ranges from approximately 3.0 to 6.6 feet per year (depending on location), while the highway is currently located almost directly at the edge of the bluff in some locations. Additional shoreline protection would lead to additional adverse impacts such as interference with sand supply, loss of beach, interference with elephant seals, and viewshed deterioration. Furthermore, experience has shown that over time nature will prevail, thus either resulting in the Commission once again being faced with a request to reroute Highway 1 (after these further impacts have occurred) or the road being washed away and closed. If the road is closed, not only will there be a direct effect on through coastal access, but there would be impacts on the ability to access beaches and recreational attractions, to access ranchland (which could harm the agricultural economy) and to see

spectacular coastal views. When all of these aspects of coastal resource use are factored in, the balance shifts in favor of providing coastal access (by permitting the highway realignment) as most protective of coastal resources.

However, the highway itself only provides for motor vehicle and road bicycle access, but it does not provide for pedestrian recreational bicycle access. As discussed in Finding #C, further measures necessary to provide recreational access include ensuring legal rights for the California Coastal Trail and providing financial support to ensure that it is constructed. If the project resulted in ensuring a “complete street” (i.e., one serving various modes of travel), with robust lateral and vertical coastal access, including parking, then it could be considered on balance more protective of coastal resources. Applying the Coastal Act in this case would mean that the broader policies of providing continuous through public access without new shoreline protection are more protective, overall, than specific wildlife habitat and agricultural policies.

Next, the test for approval is not for the project to be “more” protective of resources, it must be “most” protective. In order for that finding to be made, the adverse coastal resource impacts caused by the project have to be minimized and then mitigated to the maximum extent feasible. As discussed in detail in Section D above, Caltrans is proposing on-site and off-site restoration of wetlands and ESHA. In addition, as described in Section H above, with implementation of the Hearst Agreement, which will be triggered by construction of the realigned highway, Caltrans will protect in perpetuity approximately 800 acres of coastal prairie habitat that will also be protected for agricultural uses. As described throughout the other sections of this report, the proposed project, as conditioned, is consistent with all other applicable Coastal Act policies.

Conclusion

The most threatened coastal resource in the project area is public access. The approved project is more protective of coastal resources than denial would be because it allows for continued motor vehicle and bicycle access along and to the coast, and, through construction of the California Coastal Trail here, pedestrian and recreational bicycle access.

Other important resources in the project area are agriculture, wetlands and ESHA. Each of the resources will be impacted by the proposed project in a manner not consistent with the individual Coastal Act policies meant to protect them. In resolving the identified Coastal Act conflicts, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project’s wetland, habitat and agricultural impacts if these impacts are minimized and mitigated as proposed and conditioned. Therefore, the Commission finds that approving the project, as conditioned, is, on balance, most protective of coastal resources.

L. RESPONSE TO COMMENTS

Shoulder Widths

A number of comments have been received regarding the topic of appropriate shoulder widths, and specifically how much of the shoulder width should be paved, as opposed to unpaved. Caltrans argues that eight-foot paved shoulders are appropriate and necessary to: be consistent with shoulder widths in the vicinity of the project; allow for slower moving vehicles to pull over to let other vehicles pass them; reduce the accident rate; have a wider stable recovery area for drivers who have left the travel lane; provide room for maintenance activities; decrease

maintenance worker exposure; have sufficient space for bicyclists; allow for sufficient space for bicyclists beyond rumble strips if they are installed in the future; allow for sufficient space for pedestrian use; improve visibility; allow adequate space for disabled vehicles; and provide more room for evasive actions for drivers to take to avoid collisions.

One option that the Commission considered (and ultimately rejected) was a ~~Under~~ Special Condition 2a, whereby the shoulder would still be eight feet wide, but it would consist of a five-foot paved shoulder area and three feet of unpaved shoulder (5/3 shoulder), where the three feet of unpaved shoulder would consist of compacted gravel with prairie grasses. The Applicant has not raised objections to the recommendation for eliminating the shoulder backing in the proposed conditions for the project; therefore, the difference between the proposed project and the ~~recommendation for approval~~ option the Commission considered is not the shoulder width (because the conditioned project and the Applicant both propose an 8-foot shoulder area), rather it is the shoulder materials. The option for a Special Condition 2a acknowledges the visual and other coastal resource sensitivity of the area, and would requires that outer 3-feet of compacted gravel shoulder be partially vegetated as opposed to paved to limit the impacts of such extra paving (on views, habitats, water quality, etc., as discussed in more detail in previous findings). Thus, the ~~conditions~~ option would require that the 3-foot portion nearest the shoulder edge be a hard-pack gravel that is vegetated with grasses. The Applicant, and many commenters, suggest that all of the 8-foot shoulder area needs to be paved, primarily to provide better safety for motorists and, as represents the majority of the comments, bicyclists. The Commission agrees.

~~A majority of the reasons listed above by the Applicant in support of eight foot paved shoulders are in fact met by the recommended 5/3 shoulders. For example, there will be the same amount of line of sight visibility with both an eight foot paved shoulder and a 5/3 shoulder. There is the same eight feet of width available in the shoulder for disabled vehicles to pull over and for maintenance vehicles to park and undertake maintenance activities, when necessary. Slower moving vehicles have the same area to move over and allow vehicles to pass when desired. There is also a full eight feet of shoulder available for drivers to take evasive actions to avoid collisions. In addition, the majority of the existing alignment within the project area has shoulder widths that vary from zero to four feet, and this recommendation to allow for a 5/3 shoulder would not be inconsistent with shoulder widths in the near vicinity. Also, the Applicant cites maintenance concerns with the three feet of unpaved area, rendering this area less useable. However, the entire paved and unpaved portions of an eight foot shoulder require maintenance, no matter how they are surfaced. Finally, with the addition of the parallel coastal trail closer to the shoreline, it is expected that pedestrians and a number of bicyclists will not be accessing the coast in the highway shoulder. Further detail on these and related points is provided below to amplify what is stated above and in previous findings.~~

Safety

Relative to the overall context of safety, it should be highlighted that the Project Report prepared by Caltrans in 2007 explained that the actual collision rate per Million Vehicle Miles (MVM) for the project limits was 0.28. This was substantially lower than the average State collision rate of 1.40 MVM during a three-year study period from December 1, 2005 to November 30, 2008 for similar sections of highway in the State. (In terms of absolute numbers, there were 2 collisions, 1 fatal and 1 injury, in the project area during those three study years.) It is worth noting that the majority of the existing alignment has paved shoulders that range from 0 to 4 feet, and there is a

vegetated area directly adjacent to the edge of pavement (as would be the case as conditioned) along much of this section of highway. The existing segment is also already part of the popular Pacific Coast Bicycle Route. Keeping this baseline in mind is important when percentage comparisons of changes in accident rates are made, particularly since the actual numbers of collisions are already very low. It also is noteworthy that the existing narrower (i.e., narrower than proposed or conditioned) paved shoulder widths on the existing alignment appear to not present a serious safety risk. In all cases, the increase to an optional 5 feet of paved and an additional 3 feet of unpaved shoulders as conditioned would be an improvement above current conditions as would be an increase to fully paved 8-foot shoulders.

Referencing the Transportation Research Board's Special Report 214, Designing Safer Roads, 1987, Caltrans has indicated that "on 2-lane highways, widening roadway shoulders from 4 feet to 8 feet reduces accident rates by 30%." It is important to note that this comment does not provide all of the context necessary to understand the issue. As indicated above, both the Applicant's proposal and the ~~conditioned project~~ 5/3 hybrid shoulder treatment option would result in 8-foot shoulders. Thus, there is no dispute over shoulder width. Rather, the major question revolves around the difference made by the width of pavement, and the relationship of a hard packed grassed area to that. In fact, paved vs. unpaved shoulder widths are addressed in a study of accident data, upon which the referenced report was based. That study, Safety Effects of Cross-Section Design for Two-Lane Roads, FHWA/RD-87/008, 1987, indicates on page 3:

The effects of shoulder widening on related (AO) accidents was determined for paved and unpaved shoulders. For shoulder widths between 0 and 12 feet, the percent reduction in related accidents due to adding paved shoulders is 16 percent for 2 feet of widening, 29 percent for 4 feet of widening, and 40 percent for 6 feet of widening. Adding unpaved shoulders would result in 13 percent, 25 percent and 35 percent reduction in related accidents for 2, 4, and 6 feet of widening, respectively. Thus, paved shoulders are slightly more effective than unpaved shoulders in reducing accidents.

According to this study, the difference of percentage reduction in related accidents for 6-foot paved shoulders vs. 6-foot unpaved shoulders is only 5%. If these percentage reductions were applied to the collision rate reported for the project area, there would be a difference of .168 MVM for paved shoulders and .182 MVM for unpaved shoulders that are 6 feet wide. One can see that the difference of these numbers is extremely minimal at this location, especially when the already low collision rate is considered, but nevertheless a factor to account for.

This finding is also echoed in the Highway Safety Manual Knowledge Base, dated November 2009, for Chapters 3-7 of the California Highway Design Manual. The Manual Knowledge Base includes a literature review of "Accident Modification Factors or Functions (AMFs) for rural two-lane roads. On page 3-37 the document states that "gravel shoulders appear to be very similar to paved shoulders."

To be clear, it is also noted that the option for 5/3 shoulders would actually only decrease the amount of paved shoulder width compared to the current condition by about 3 feet for a short section since only approximately 700 feet of the existing alignment that is to be moved inland has an 8-foot shoulder currently as it nears Arroyo de la Cruz. Even in that case, however, this segment of the existing highway that currently has 8-foot paved shoulders is located where

informal parking occurs directly off of the shoulder. Thus, movements to and from the parking area may have a greater impact on accident rates than paved shoulder width. On this note, the project as conditioned calls for consideration of a dedicated turn lane into the new parking area to guard against potential increases in accidents that might be associated with accessing that parking (see also below).

The Designing Safer Roads study cited by the Applicant examines a variety of means of potentially reducing accidents, including flattening the terrain and side slopes. The expected reductions in accident rates that the Applicant cites are based on what happens when shoulders of an existing roadway are widened, in isolation from any other changes. This is not the case with the current proposal, which is for a complete replacement of the existing roadway. Thus to fully predict accident rate changes would require comparing a variety of characteristics of the existing highway to those of the proposed realignment, which includes many other safety improvements to elevation, curvature and other roadway features. Thus, the expected reductions cited must be understood in that context.

While the Applicant has explained that design standards in the Highway Design Manual require 8-foot shoulders, the Commission is familiar with Caltrans seeking design exceptions in order to better conform projects to Coastal Act policies. Caltrans indicates that since the proposed project passes through coastal marine terrace, and not the more rugged terrain found directly to the north in Big Sur, the overall pavement area of the highway should be wider to accommodate such things as higher speeds and passing. However, the Coastal Act does not distinguish different “rural” areas for the purposes of policy compliance. Under Section 30254, all of Highway 1 through rural areas is to remain a scenic two-lane road. Although the Commission can sympathize with frustrated drivers forced to travel slowly on winding Route 1 in Big Sur tending to want to speed up where the terrain opens up at this location, this is not a reason under the Coastal Act to allow for ~~diminution of the scenic resources, historic character and natural habitat values of the area~~ a wider highway. In addition, as this roadway is a State Scenic Highway and National Scenic Byway, one of the primary goals of driving in this stretch of the coast is to have a recreational experience that relies on the protection of those values. The ultimate consideration for highway design in this context ought not be accommodating higher speeds and passing, as alluded to by the Applicant.

Indeed speed was a concern raised at the County’s public workshop held on June 12, 2014. Members of the public, as well as some members of the Board of Supervisors, were concerned with the proposed speed and how that would affect safety in this stretch of coast, including for those vehicles and bicyclists desiring to turn into the three project area (southern, motel and northern) parking areas. Caltrans has indicated that the design speed of this stretch will be 55 mph and the posted speed will be 55 mph. However, the existing highway has the same posted speed with narrower (0 to 4 foot) shoulders for the majority of its length. The 2009 Highway Safety Manual Knowledge Base noted above also discusses concerns regarding wider shoulders, including (on page 3-26) “(t)he possibility that wider shoulders result in higher operating speeds, which in turn may impact accident severity.” Thus it is plausible that wider paved shoulders on the new alignment may lead to even higher actual speeds. ~~Requiring three of the eight feet of shoulders to remain unpaved, as the special conditions require, could possible temper this urge to speed because of drivers’ perception of a more narrow shoulder.~~

In this case, and based primarily on testimony provided regarding safety, including for bicyclists, an 8-foot paved shoulder makes the most sense in this context. In other contexts there may be different conclusions, but the Commission here distinguishes this highway segment from others that are more sensitive and would be more impacted by 8-foot paved shoulders.

Visual Considerations

As previously described, Highway 1 in San Luis Obispo County is an officially designated State Scenic Highway. The intent of the California Legislature in designating a State Scenic Highway is:

To establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the state highway system, which, together with the adjacent scenic corridors, require special conservation treatment.

This segment of Highway 1 was also named a National Scenic Byway and All-American Road by the Federal Highway Administration (FHWA) in 2002, and is one of only 21 such National Scenic Byways and All-American Roads in the entire United States. FHWA guidance regarding the designation of All-American Roads states:

The road or highway must also be considered a destination unto itself. To be recognized as such, it must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip. The characteristics associated with the intrinsic qualities are those which best represent the nation and which may contain one-of-a-kind features that do not exist elsewhere.

Both the State Scenic Highway designation and the All-American Road designation are due in large part to the spectacular views from Highway 1. In fact, the project site is located along a rural stretch of Highway 1 with only scattered areas of development. Views inland are of rolling hills capped by majestic mountain ranges, and views seaward are dominated by the dynamic rocky shoreline and the Pacific Ocean just west of the Highway. Thus, the Highway here snakes through a pastoral and highly scenic stretch of central California coast where it is essentially the only north-south access route along a relatively undeveloped coastline. The undulating topography of the region allows the opportunity for long range views; however, the highway traveler also experiences close- and mid-range views of the coastline and the shore. The Highway also provides a vital link for recreational travel to and from the Big Sur Coast, as well as the attractions around San Simeon and Hearst Castle and is situated within the viewshed of the vast Hearst Ranch. Much of that recreational travel, which includes travelers from all over the world who search out this stretch of Highway 1 for its singular visual beauty, is due to the well-known incredible vistas available from the Highway. Part of the allure of this area is the incredible rolling, open-space vistas that are provided from the road, including the vistas of which the historic two-lane roadway itself is an important part.

Thus, the project must be understood within the context of the visual sensitivity of the area, a visual sensitivity that is state and nationally recognized and protected. This is not a 'normal' highway project where the siting and design of the roadway doesn't significantly affect public views. Quite the contrary, if there ever were a highway project where such design issues must be given extra attention, including in terms of a careful evaluation of "standard" design approaches,

and where visual impacts related to such design must be directly factored into the resultant roadway, this is it.

Thus, and recognizing that context, the reduction in the width of the paved shoulder ~~is necessary~~ would be one option to blend the proposed new highway alignment with the rural character of the area and to protect public views and the significance of the traveler's experience here, as emphasized by the Highway's recognized state and national status. As described above and in the preceding Public Views findings, this is a highly sensitive stretch of coast and one typified by a rural agrarian feel. Narrower paved shoulders provide less artificial development in the public view and allow more of the eight-foot shoulder to be vegetated. Three-feet of shoulder comprised of low prairie grasses will better give the appearance of a rural scenic two lane road, ~~which is how the Coastal Act requires and envisions Highway 1 statewide, and reflects the status and sensitivity of the Highway as a State Scenic Highway, a National Scenic Byway, and an All-American Road.~~ Really, from a strictly visual point of view, the road should have no shoulders. A highway with no shoulders much more readily evokes a rural roadway and limits visual impacts. However, since this is not feasible or desirable given the need to also address public safety, including for bicyclists who chose to use the highway route as well as disabled vehicles using the shoulder for safety purposes, the Commission approves the project with Caltrans' recommended 8-foot paved shoulders. ~~5/3 shoulders strike an appropriate balance between these somewhat competing objectives. Again, given the visual sensitivity of the area, this balance is precisely what needs to be prescribed here.~~

Finally, a note of clarification. The visual simulations provided by the Applicant (and shown in Exhibit 8) do not correctly show the expected future condition as conditioned. Specifically, the Applicant submitted visual simulations showing an eight-foot paved shoulder and a four-foot paved shoulder, which Commission staff requested at that time. In the time since then, the recommendation has shifted to a 5-foot paved portion of the shoulder, including to better address issues raised by the Applicant and others regarding safety. Thus, the smaller shoulder width in Exhibit 8 needs to be understood in that context, including that the as conditioned project would have one more foot of paving than shown in Exhibit 8.

Water Quality and Habitat

As described previously, ~~the~~ reduction in the width of the paved portion of the shoulder ~~is also necessary~~ would also be one way to reduce impacts on habitat by minimizing the area of new impervious surface. As described in the Water Quality findings above, if the outer three feet of the shoulder is made up of permeable surfacing rather than asphalt, up to two acres of impervious surface through the project area can be avoided. This reduces runoff and increases the percentage of treated surface from approximately 72 to 84 percent. This in turn increases protection of adjacent watercourses and coastal terrace prairie habitats. The reduced shoulder makes it more dangerous for bicyclists along this stretch of coast, however, so Caltrans must address the water quality impacts of this project in other ways, as discussed above. ~~And finally, it is exactly these types of scenic and habitat resource constraints that can support the basis of a design standard exception that Caltrans has the option to utilize in order to reduce standard shoulder width requirements.~~

Bicycles

The Applicant asserts that eight-foot paved shoulders are “best for all users of the highway,” especially bicyclists on the highly popular Pacific Coast Bike Route that is designated on this highway. They contend that the option of having only a five-foot paved portion of the shoulders as conditioned would not provide adequate safety for bicyclists. As a general rule, cyclists do prefer more room than less (to avoid vehicle wind, noise, etc.) as well separated bike facilities. However, there are usually a variety of considerations that finally factor in the actual amount of paved area that is made available along a roadway as a shoulder or separated facility. In a number of previous design exception cases, Caltrans has found that 4-foot paved shoulders were a safe and acceptable width for bicyclists. Experienced cyclists along the Pacific Coast Bike Route are also accustomed to a variety of shoulder widths along the route. And in this case, the CCT will also provide a separated and off-road trail segment where more recreational bicyclists can ride. ~~Granted, many road bicyclists will choose to stay on the Highway, but some portion of the bicycling public is expected to use the CCT. Finally, w~~With respect to the issues raised about the new law requiring motorists to provide a three-foot clear space when passing a cyclist, the 12-foot travel lane and the a 5-foot paved surface (17 feet total), provide ample space for meeting such criteria, including because a cyclist riding along the edge of the paved area would already be some 3 feet away from the fog line. Again, given the sensitivity of the location, five feet of paved shoulder is an appropriate balance in this case that provides a safe lane for bicycle travel along the highway and minimizes impacts to scenic resources, historic character and sensitive habitats. While all these points may be applicable in other situations, the Commission agrees with the comments received from cyclists in this case that support Caltrans’ proposed paved shoulder widths. It therefore concludes that for this segment of Highway 1 an eight-foot paved shoulder is appropriate.

This section of the coastal highway is already very popular with cyclists, and the realigned new highway, which will last at least a lifetime, has the potential for being an even greater recreational attraction for cyclists. It was noted that this realigned highway will see motor vehicles – including large size recreational vehicles – that will be traveling 55 or more miles per hour. The Commission received substantial public testimony that favored paving the entire 8-foot shoulder (as proposed by the Applicant) so as to afford a greater margin of safety and a more enjoyable experience for bicycle riders. Higher speeds and wider vehicles result in the desire and need for more distance between motor vehicles and cyclists than only 5 feet of paving could provide. Thus, it is important to build the proposed highway to that standard in this case so it can better accommodate cyclists. Paving the entire 8-foot shoulder would not increase proposed landform alteration, as could be the case along other portions of Highway 1. Thus, the Commission can distinguish this highway segment from others that are more sensitive and would be more impacted by 8-foot paved shoulders.

Conclusion.

~~The Commission agrees with the Applicant that an eight-foot wide shoulder is appropriate for the proposed project. However, that eight foot shoulder should consist of five feet of paving and three feet of gravels and hard pack with prairie grasses. The five feet of paving combined with the three feet of gravel and hard pack and grasses adequately provides a safe area outside of the travel lanes for bicyclists and other shoulder functions associated with vehicles, maintenance, etc. Further, the 3-foot reduction in pavement (compounded over an approximately 3-mile stretch of roadway) is critical to balancing competing interests of scenic and natural resource protection~~

~~and reducing the amount of polluted runoff from road surface, all of which are particularly significant in this sensitive stretch of the California coastline, and all of which are critical to being able to make the conflict resolution finding that is at the heart of being able to approve the project at all in this case.~~

Left Turn Pockets

A number of comments have been received from the Applicant regarding Special Conditions 2(b) and (c) related to left turn pockets at the northern and southern trailhead parking areas. Specifically, these special conditions require that left turn pockets “be considered” at both parking areas “unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design.” The Applicant’s comments suggest that these turn pockets are unnecessary and that unprotected turn movements from the highway will not lead to safety issues at these locations. The Applicant’s comments are countered by other commenters, most notably State Parks (who will be the entity to manage and maintain the parking areas) and San Luis Obispo County, who suggest that the nature and manner of highway use (including with many tourists slowing intermittently and taking in the scenic vistas, other motorists moving quicker before or after the windier Big Sur coast area, etc.) suggest the need for turn pockets. The conditions are structured in a manner so that the Applicant would need to submit evidence demonstrating safe ingress/egress to and from the parking lots based on the expected traffic and parking area use patterns. In other words, if turn pockets are demonstrated to be needed through this exercise, they would be required. If they weren’t, then they would not be required. The Commission believes that this provides the appropriate means to resolve the issue based on actual information and data associated with the actual context of each parking area.

The reasons for these turn pocket conditions are numerous. Left turn pockets are important safety and transportation features, which allow vehicles and bicycles to more safely cross the oncoming traffic lane while not impeding the flow of vehicles or bicycles behind them. The posted speed limit for the new highway will be 55 miles per hour where vehicles travelling northward will need to make a sharp left turn into the new parking lots.

The Applicant has provided photo examples of other areas in San Luis Obispo County where they contend that turn pockets are unnecessary. These include lots that have no defined entrance and exit, such as at Estero Bluffs and Arroyo Laguna, as well lots that drivers must access through a single narrow entranceway and exit, such as Harmony Headlands State Park and Elephant Seal Vista Point. While these parking lots do currently exist, users (including State Parks) report various degrees of safety in attempting to access them from the highway. In the case of this project, drivers will need to turn into a single defined entrance/exit with a short lane into the parking lot. It is worth noting that the Applicant is proposing to provide a turn lane at the Piedras Blancas Motel site as part of this project and the same careful consideration should be given for safe access to the northern and southern parking lots. (A related note that should be made is that the proposed left turn lane into the new lot south of Arroyo de la Cruz is expected to allow travelers to access formalized parking closer to the beach trailhead in an easier manner; it is not intended to preclude or substitute for motorists utilizing the remaining portion of the informal parking area off of the highway shoulder further north, closer to Arroyo de la Cruz.)

Critically, State Parks, who is responsible for the long-term maintenance and operation of the parking areas, has advocated strongly for installing a turn pocket into both parking lots given their experience with the driving public and other parking areas in this section of the coast. Their letter to the Commission dated July 7, 2014 identifies several concerns and concludes that “(f)rom a safety standpoint, it would be best to provide a northbound turn pocket at both proposed parking lots to mitigate against the various combinations of curves, dips, high speeds, and slow or stopped tourists wishing to stop at the two parking lots/vista points/trailheads.”

The way the conditions are structured allows for Caltrans to evaluate the expected traffic and parking area use patterns and prepare documentation on the best way for users to access these specific parking areas safely. Obviously, a protected left turn pocket is one of those ways, but the analysis may indicate functionally equivalent safe access through another approach. In either case, it is important to resolve this point because safe ingress and egress for coastal access must be directly designed into the new highway being built and clearly signed to increase travelers’ expectations for turning motions.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

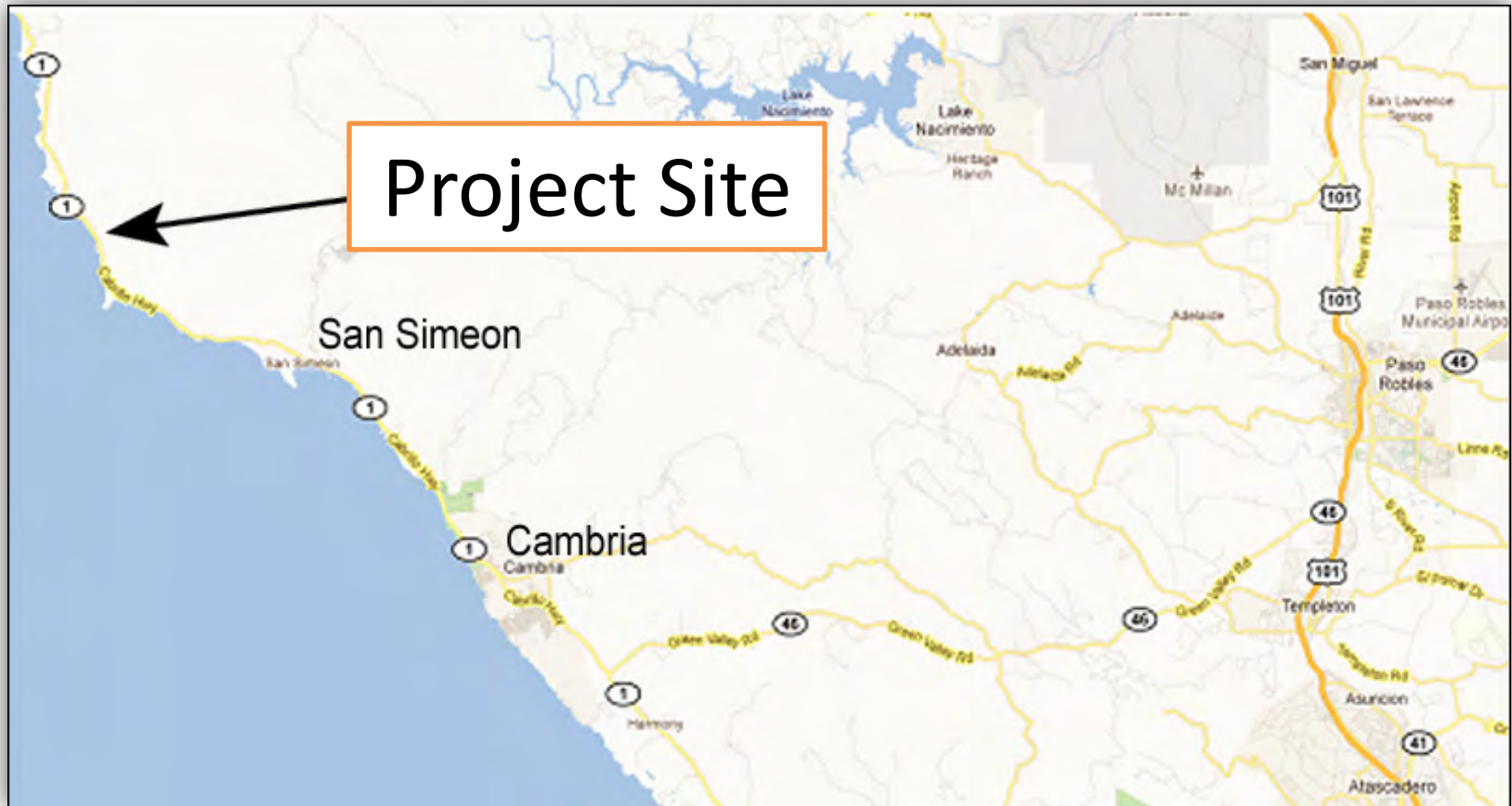
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Caltrans, acting as lead agency, prepared an Environmental Impact Report (EIR). The Coastal Commission’s review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Caltrans. Final Environmental Impact Report/EA, Piedras Blancas Realignment, August 2010.
2. Caltrans. Mitigation and Monitoring Plan Piedras Blancas Realignment, March 2013.
3. Caltrans. Supplemental Preliminary Geotechnical Report, October 2006.
4. Caltrans. Preliminary Geotechnical Report, January 2001.
5. Caltrans. Draft Geotechnical Design Report, March 2012.
6. U.S. NOAA National Marine Fisheries Service. Biological Opinion, April, 2010.
7. Caltrans. Piedras Blancas Realignment Natural Environment Study, November 2007, amended September 2008.
8. Caltrans. Piedras Blancas Wetland Delineation Report, July 2013.
9. Caltrans. Sea Level Rise Analysis, submitted March 8, 2013.
10. Caltrans. Wetland Crossing Analysis, submitted March 8, 2013.
11. Caltrans. Piedras Blancas Rock Slope Protection Removal Strategies, Submitted August 21, 2013.
12. Alta Planning + Design. Northern San Luis Obispo County Coastal Trail Master Plan, July 2012
13. Caltrans. Historical Study Report, Arroyo de la Cruz, May 2013
14. Caltrans. Archaeological Survey Report, September 2006.
15. Caltrans. Final Air Quality Report, May 2008.
16. Caltrans. Paleontology Identification Report, May 2008.
17. Caltrans. Final Noise Study Report, July 2008.
18. Caltrans. Water Quality Assessment Report for the Piedras Blancas Realignment Project, San Luis Obispo County, California, 05-SLO-1-PM 64.0/R67.2, EA 05-492800, May 2008
19. Storm Water Data Report Long Form, finalized Marissa Nishikawa, Regional Design SW Coordinator, 5/21/2013
20. Combined Plans, 05-492604, Stamped 5-20-13, Kyle Birch, P.G.
21. TBMP + VBS Mapping (Bio Swale Locations by station and Vegetated Filter Strip Locations), 05 0000 0576-4, supplied by Pete Riegeluth, D-5 SW Coordinator, dated 6/6/14.
22. Caltrans. Draft Summary of the Arroyo de la Cruz Mitigation Site and Draft Conceptual Plan for Arroyo de la Cruz Mitigation Site-Habitat Mapping, June 2014.







View Looking North From Southern Extent
of Project Boundary



Arroyo
del
Corral



Arroyo
de los
Playanos





View Looking Southwest Across Private Parcel
Near Arroyo del Oso



Arroyo del Oso and Rock Slope Protection
(Rocks 2) and Private Parcels



Parking
Arroyo de la Cruz



Parking
Arroyo de la Cruz



Parking
Arroyo de la Cruz



Piedras Blancas
Motel



Piedras Blancas
Motel



Parking
South Surfer Beach



Parking
South Surfer Beach

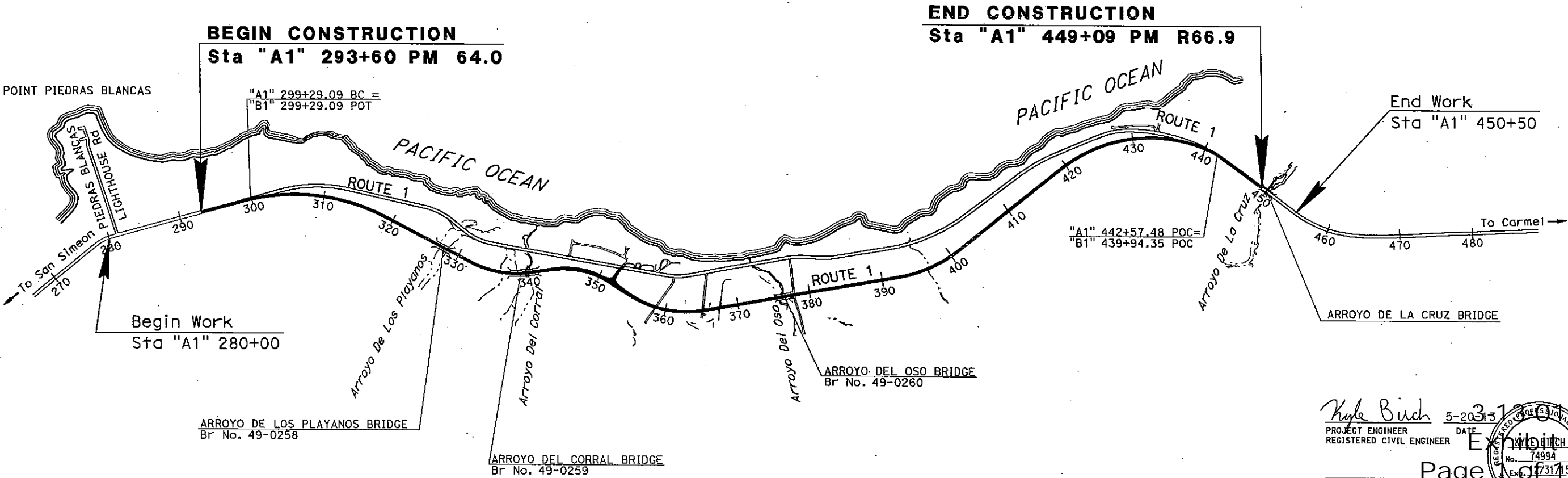


Parking
South Surfer Beach

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN SAN LUIS OBISPO COUNTY
ABOUT 9 MILES NORTH OF SAN SIMEON
FROM PIEDRAS BLANCAS LIGHTHOUSE ROAD
TO ARROYO DE LA CRUZ BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010



PROJECT MANAGER
PAUL MARTINEZ

DESIGN ENGINEER
JOHN FOUCHÉ

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES)
OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

NO SCALE

Kyle Birch 5-20-13
PROJECT ENGINEER DATE
REGISTERED CIVIL ENGINEER
No. 74994
Exp. 7/31/15
Page 1 of 15
PLANS APPROVAL DATE
THE STATE OF CALIFORNIA OR ITS
OFFICERS OR AGENTS SHALL NOT BE
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COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	05-492804
PROJECT ID	0500000576

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DESIGN
Caltans
FUNCTIONAL SUPERVISOR JOHN FOUCHE
CALCULATED BY DESIGNED BY
RAY RIAHI KYLE BIRCH
REVISED BY DATE REVISED

NOTE:

1. DIMENSIONS OF THE PAVEMENT STRUCTURES (STRUCTURAL SECTIONS) ARE SUBJECT TO TOLERANCES SPECIFIED IN THE STANDARD SPECIFICATIONS.
2. SUPERELEVATIONS ARE SHOWN ON THE SUPERELEVATION DIAGRAMS.
3. FOR DITCH FLOW LINE AND SLOPE, SEE DRAINAGE PLANS.
4. FOR LOCATIONS OF HMA DIKE AND MBGR, SEE LAYOUT SHEETS.
5. FOR COLD PLANE LIMITS AND LOCATIONS, SEE LAYOUTS AND SHEET C-7.
6. FOR CONTOUR GRADING, SEE SHEET C-8.
7. FOR DRIVEWAYS, SEE SHEETS C-1 TO C-6.
8. FOR UTILITY TRENCH, SEE C-34 AND UTILITY SHEETS.

ABBREVIATION:

SC - SAWCUT

PAVEMENT
STRUCTURE SECTIONS

- | | |
|---|--|
| 1 0.40' HMA (TYPE A)
1.50' CI 2 AB | 4 0.20' Min HMA (TYPE A) |
| 2 0.40' HMA (TYPE A)
0.45' CI 2 AB | 5 1.50' CI 1 PERMEABLE
MATERIAL (BLANKET) |
| 3 Exist
0.35' AC
1.25' CI 2 AB
EDGE DRAINS
"B1" Sta 309+50 TO Sta 333+00
"B1" Sta 383+00 TO Sta 408+50 | 6 0.25' HMA (TYPE A)
1.00' CI 2 AB |
| | 7 1.00' CI 2 AB |
| | 8 0.35' HMA (TYPE A)
1.25' CI 2 AB |

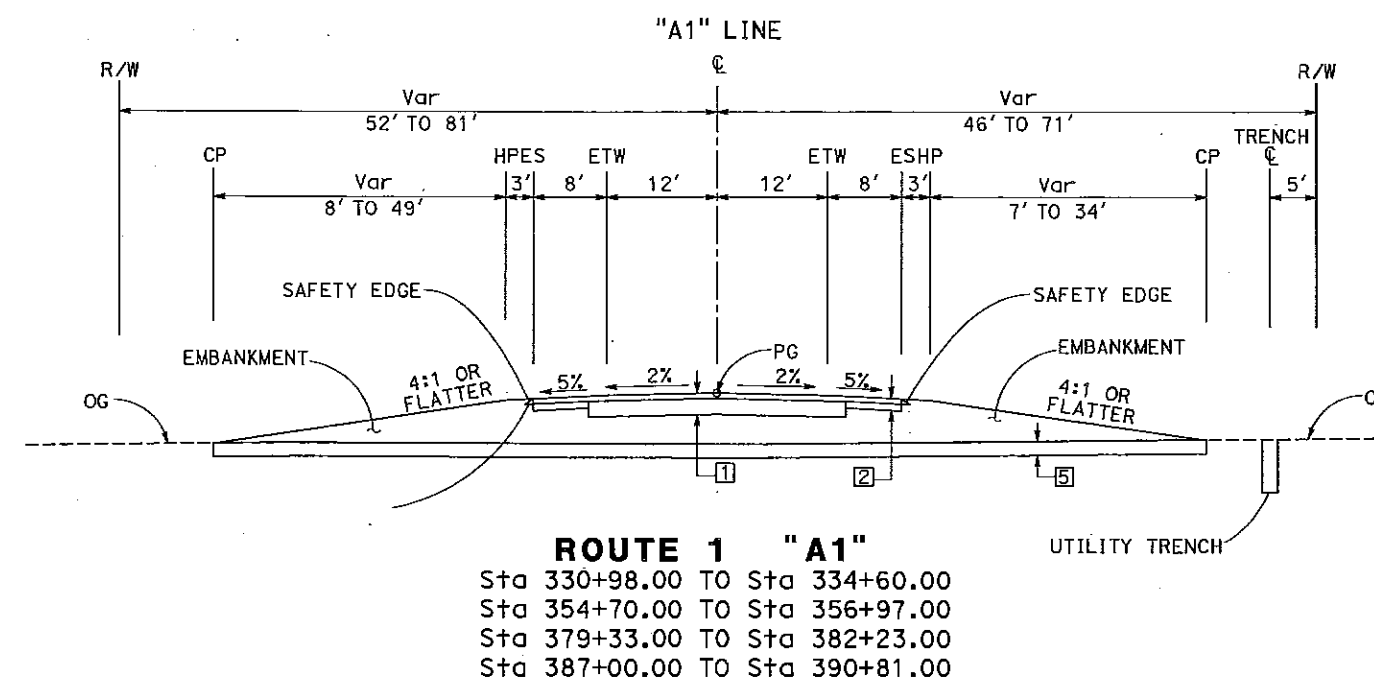
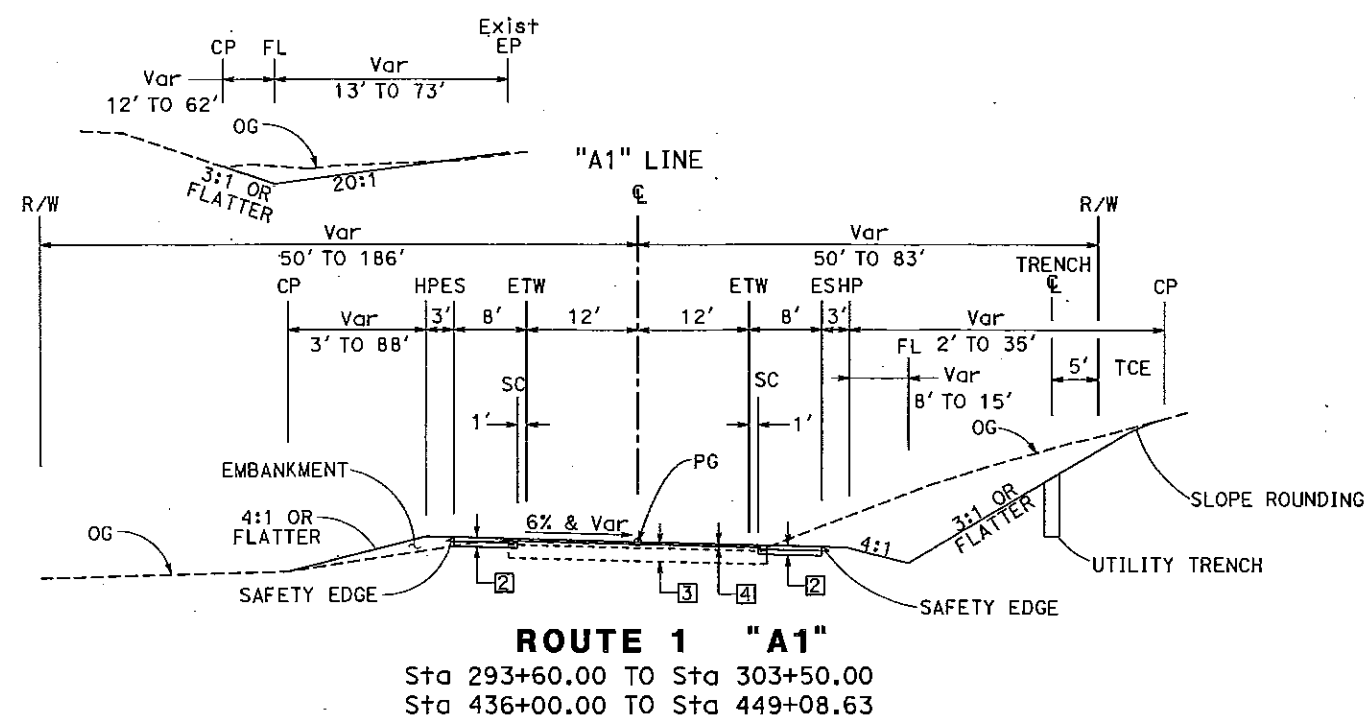
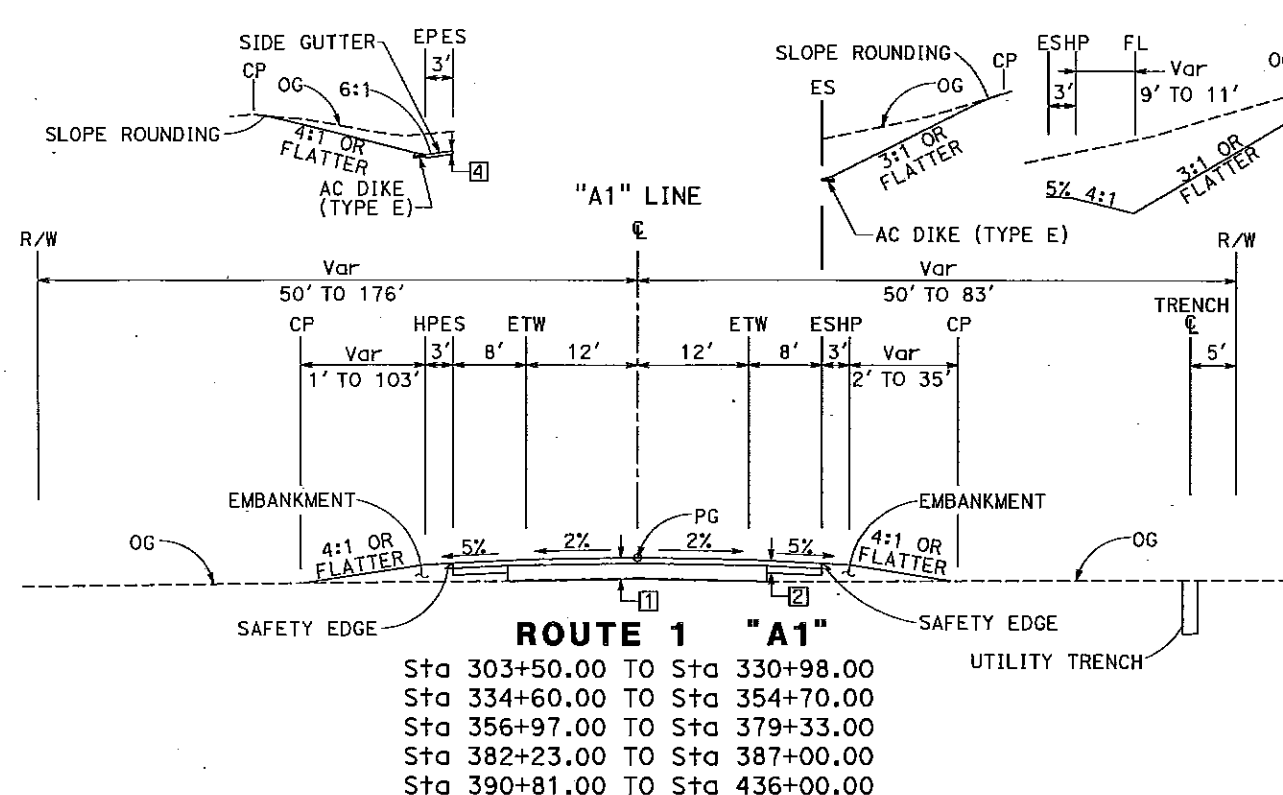
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		
KYLE BIRCH			5-20-13		
REGISTERED CIVIL ENGINEER			DATE		
PLANS APPROVAL DATE					
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.					
KYLE BIRCH No. 74994 Exp. 12-31-15 CIVIL STATE OF CALIFORNIA					

ROUTE 1
DESIGN DESIGNATION

ADT (2016)	2,386	D	60%
ADT (2036)	4,141	T	1%
DHV	778	V	55 mph
ESAL	371,610	TI20	8.0

PAVEMENT CLIMATE REGION

CENTRAL COAST



3-13-012
Exhibit 3
Page 2 of 15

TYPICAL CROSS SECTIONS

NO SCALE

X-1

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch

5-20-13

REGISTERED CIVIL ENGINEER

DATE

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REGISTERED PROFESSIONAL ENGINEER

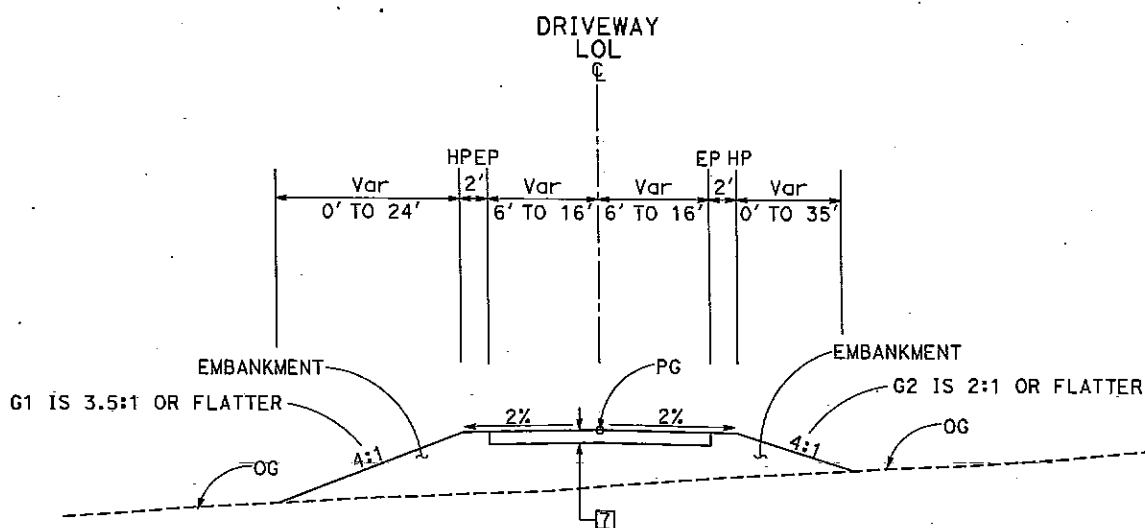
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



"HS1, E1, G1, G2, HN1, J1"

"HS1" Sta 100+50.00 TO Sta 100+80.00

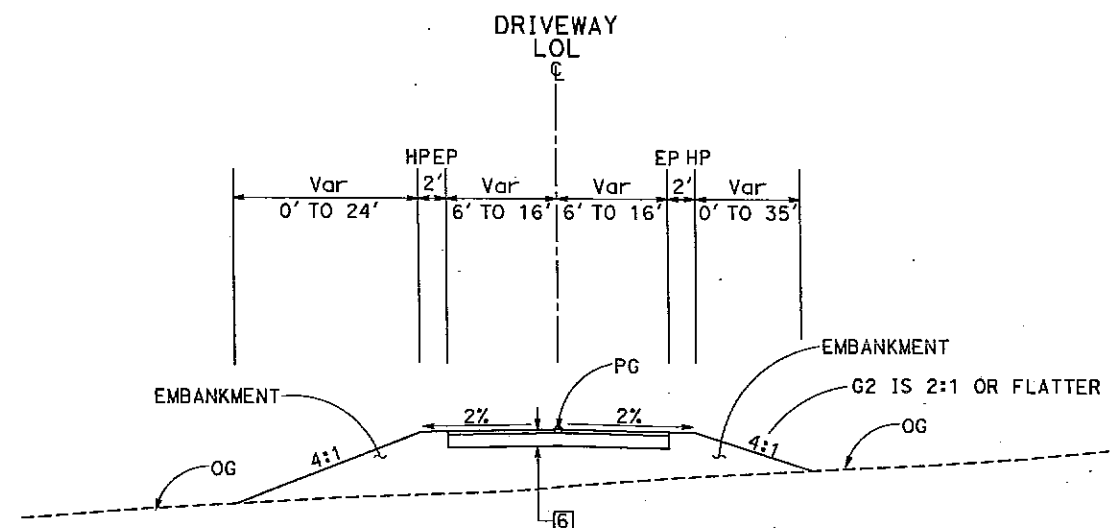
"E1" Sta 100+57.22 TO Sta 100+80.00

"G1" Sta 100+61.70 TO Sta 102+10.50

"G2" Sta 100+00.00 TO Sta 101+55.77

"HN1" Sta 100+51.31 TO Sta 100+80.00

"J1" Sta 100+00.00 TO Sta 100+97.66



"HS1, D1, E1, F1, F2, G1, G2, HN1, J1"

"HS1" Sta 100+20.00 TO Sta 100+50.00

"D1" Sta 600+84.35 TO Sta 603+44.32

"E1" Sta 100+20.00 TO Sta 100+57.22

"F1" Sta 100+20.00 TO Sta 100+92.91

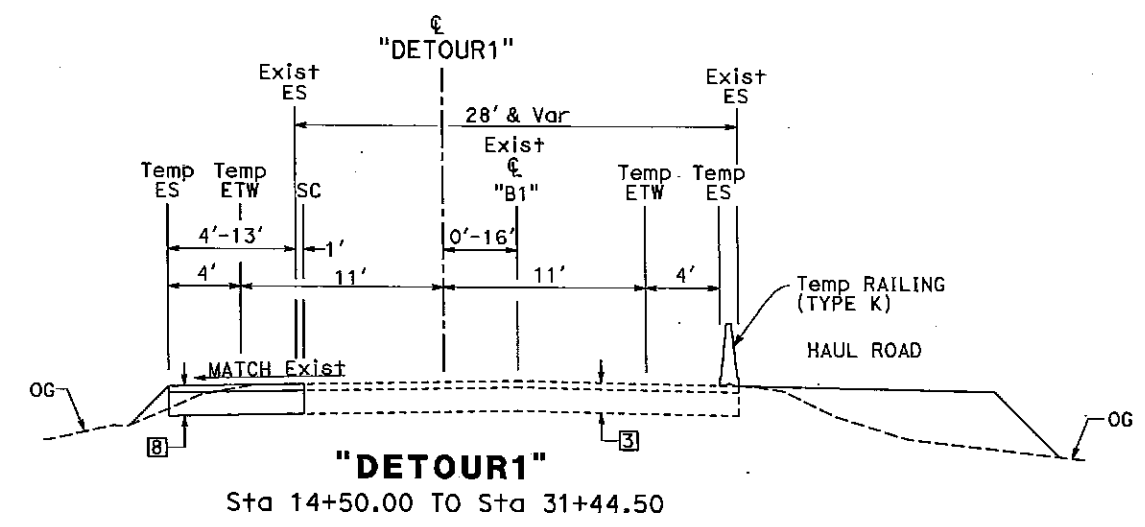
"F2" Sta 100+00.00 TO Sta 101+33.13

"G1" Sta 100+20.59 TO Sta 100+61.70

"G2" Sta 101+55.77 TO Sta 101+83.60

"HN1" Sta 100+20.00 TO Sta 100+51.31

"J1" Sta 100+97.66 TO Sta 101+30.68



3-13-012

Exhibit 3

Page 3 of 15

TYPICAL CROSS SECTIONS

NO SCALE

X-2

NOTES:

1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. NO WORK SHALL BE CONDUCTED WITHIN ESA, EXCEPT FOR RIGHT OF WAY FENCE PLACEMENT.
3. GRADING ALLOWED OUTSIDE OF R/W FENCE PER R/W AGREEMENT.
4. FOR SALVAGE FENCE LIMITS, SEE SUMMARY OF QUANTITIES SHEETS.
5. SEE CONSTRUCTION DETAILS SHEETS FOR TOPSOIL COLLECTION, DUFF COLLECTION, AND REMOVAL OF OBJECTIONAL MATERIAL.
6. SEE CONSTRUCTION DETAILS (FENCING PLAN) SHEETS FOR TEMPORARY AND PERMANENT FENCE PLACEMENT.

LEGEND:

- COLD PLANE ASPHALT CONCRETE PAVEMENT
- REMOVE BASE & SURFACING (SEE CONTOUR GRADING SHEETS)
- REMOVE ROCK SLOPE PROTECTION
- TEMPORARY CONSTRUCTION EASEMENT
- DRAINAGE EASEMENT
- ARCHAEOLOGICAL MONITORING AREA

- SPA1 SPECIES PROTECTION AREA 1
- SPA2 SPECIES PROTECTION AREA 2

TFESA ESA BOUNDARY

ABBREVIATIONS:

- AFTS ALTERNATIVE FLARED TERMINAL SYSTEM
DBH DIAMETER BREAST HEIGHT

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch

5-20-13

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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KYLE BIRCH

No. 74994

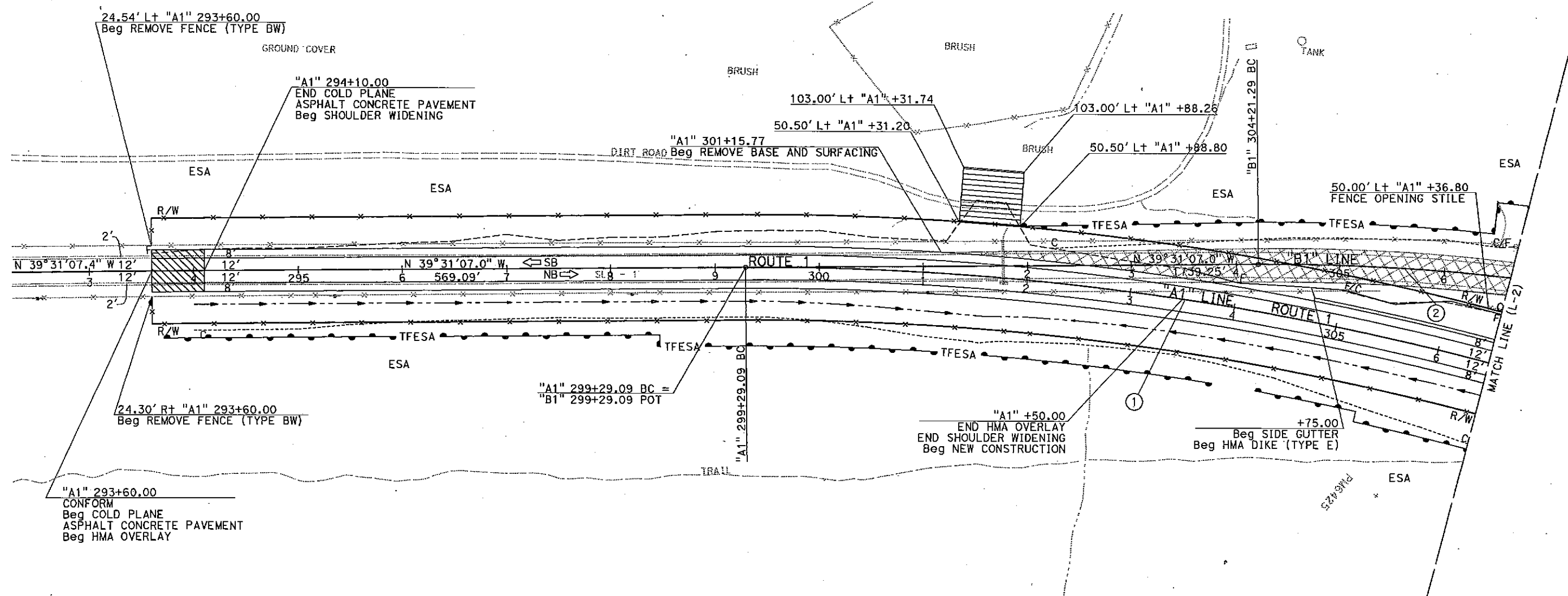
Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA

CURVE DATA

No. (X)	R	Δ	T	L
1	2,700.00'	43°00'47.5"	1,063.92'	2,026.95'
2	1,968.50'	27°55'51.0"	489.54'	959.61'



3-13-012
Exhibit 3
Page 4 of 15

LAYOUT
L-1

SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
1	2700.00'	43°00'47.5"	1063.92'	2026.95'
2	1968.50'	27°55'51.0"	489.54'	959.61'

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch

5-20-13

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER

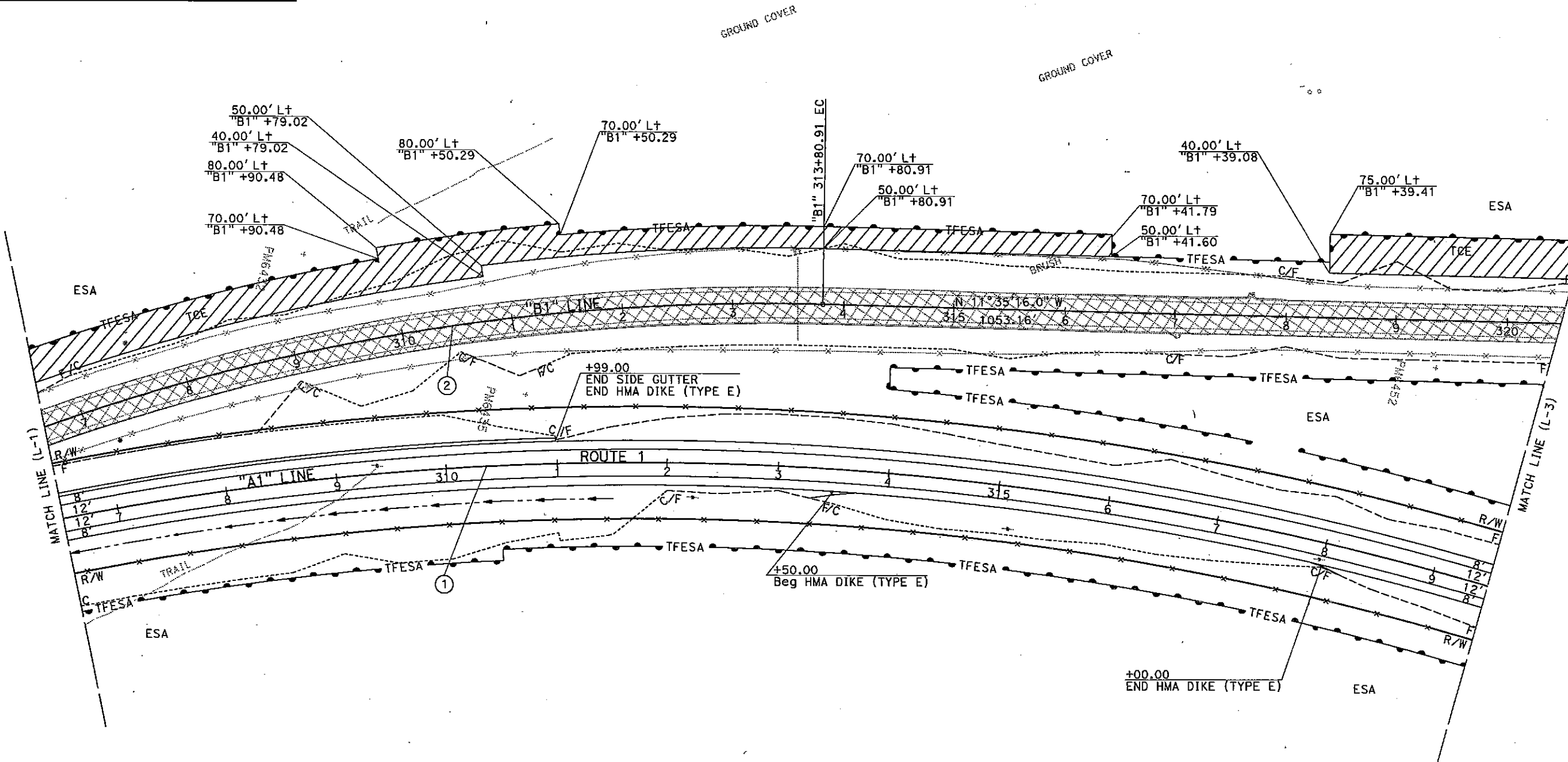
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 5 of 15

LAYOUT
L-2

SCALE 1" = 50'

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DESIGN
KYLE BIRCH
RAY RIAHI
JOHN FOUCHE

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

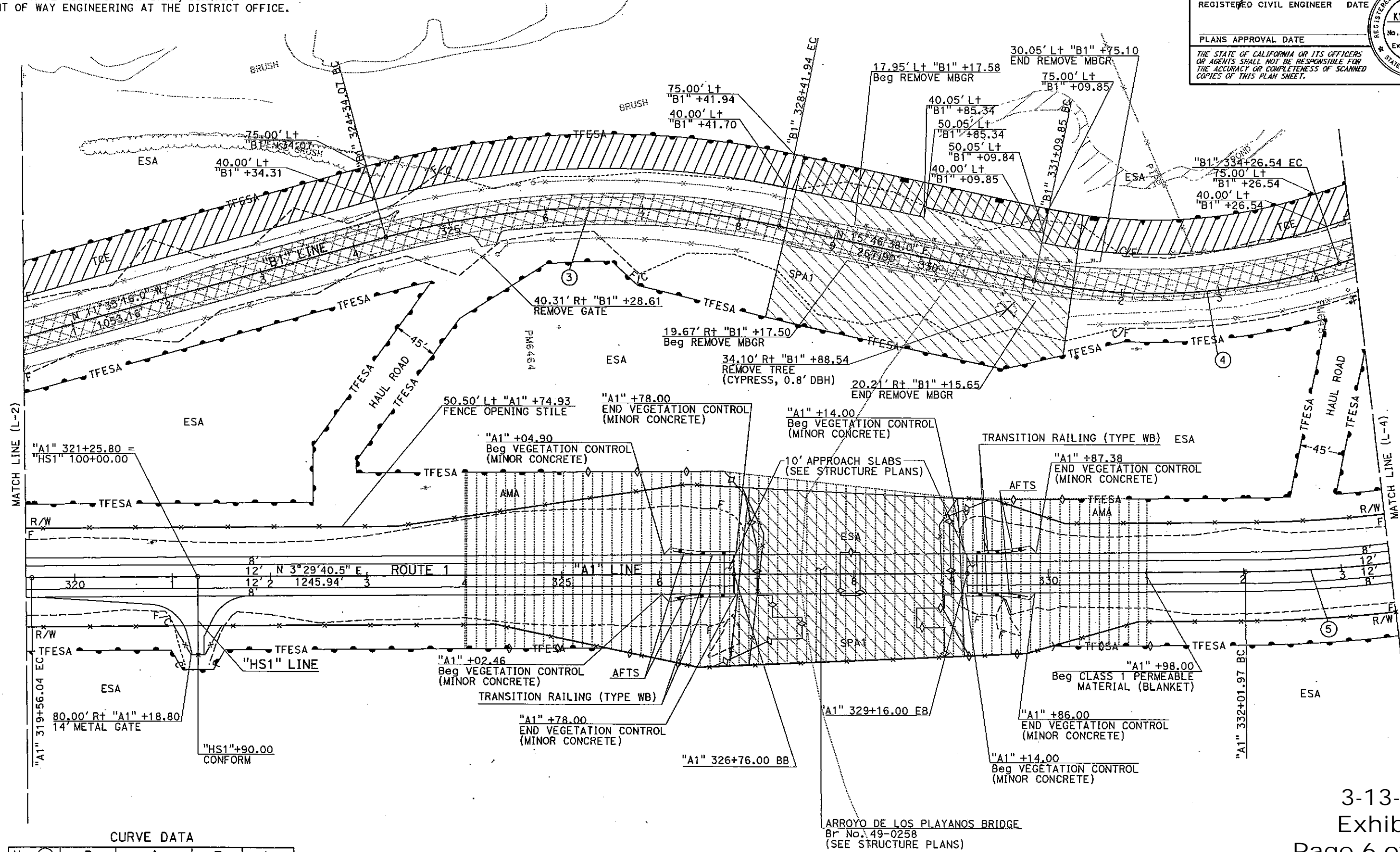
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch
REGISTERED CIVIL ENGINEER
5-20-13
DATE

PLANS APPROVAL DATE

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KYLE BIRCH
No. 74994
EXP. 12-31-15
CIVIL
STATE OF CALIFORNIA



CURVE DATA

No. (X)	R	Δ	T	L
3	854.00'	27°21'54.0"	209.91'	407.88'
4	600.00'	-30°14'30.0"	162.13'	316.69'
5	1350.00'	-36°15'19.8"	441.97'	854.25'

3-13-012
Exhibit 3
Page 6 of 15

LAYOUT
L-3
SCALE 1" = 50'

FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

No. (X)	R	Δ	T	L
5	1350.00'	$-36^{\circ}15'19.8''$	441.97'	854.25'
6	1100.00'	$41^{\circ}48'12.6''$	420.09'	802.57'

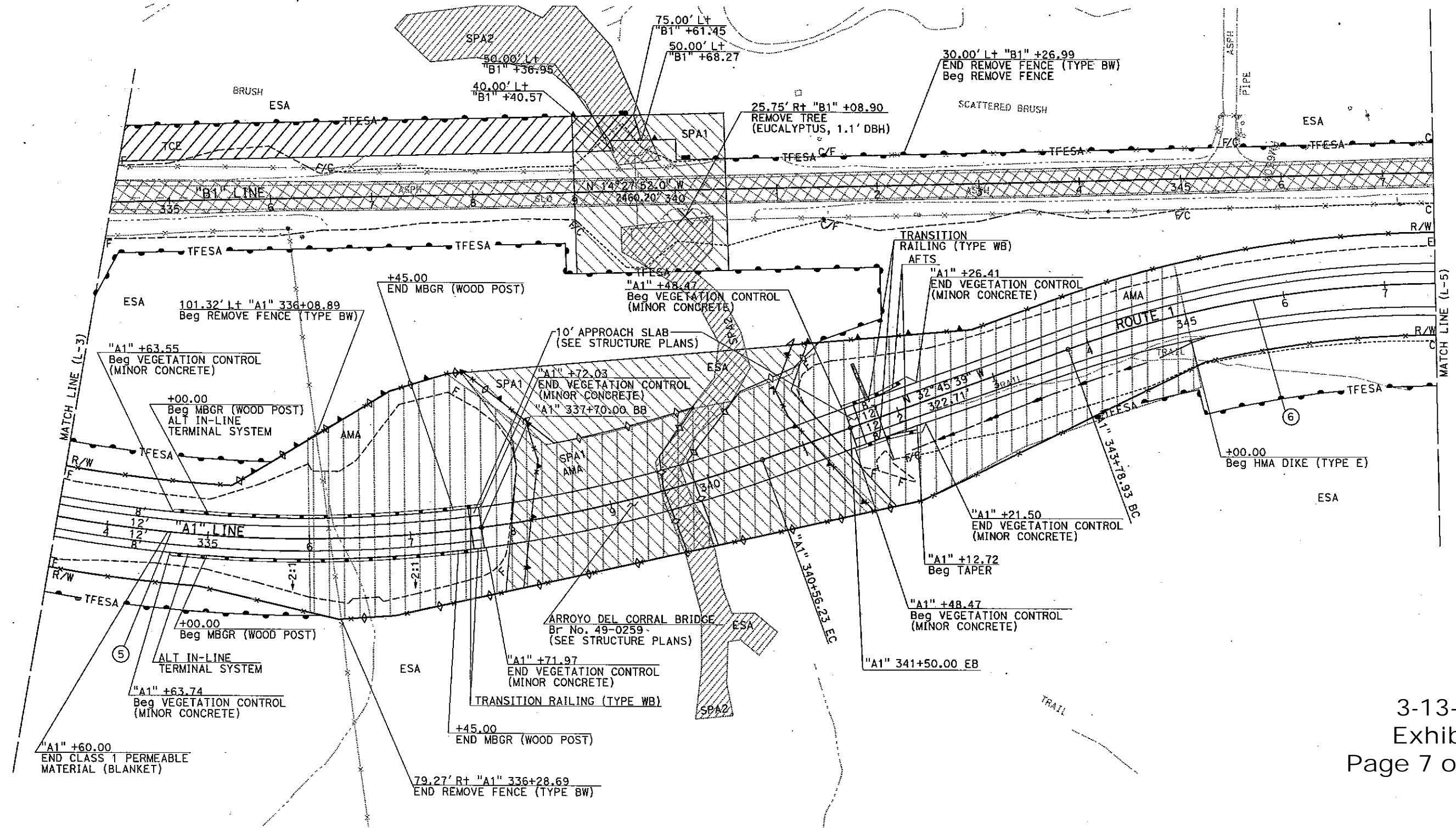
Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch 5-20-13
 REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS
 OR AGENTS SHALL NOT BE RESPONSIBLE FOR
 THE ACCURACY OR COMPLETENESS OF SCANNED
 COPIES OF THIS PLAN SHEET.

A circular professional engineer seal for the State of California. The outer ring contains the text "REGISTERED PROFESSIONAL ENGINEER" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two stars. The center of the seal is divided into three horizontal sections: the top section contains the name "KYLE BIRCH", the middle section contains "No. 74994", and the bottom section contains "Exp. 12-31-15" and "CIVIL" below it.



3-13-012
Exhibit 3
Page 7 of 15

LAYOUT
L-4

SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
6	1100.00'	41°48'12.6"	420.09'	802.57'
7	425.00'	24°46'54.28"	93.37'	183.82'
8	1350.00'	-43°15'06.8"	535.21'	1019.10'
9	50.00'	15°16'44.9"	6.71'	13.33'
10	50.00'	55°18'50.55"	26.20'	48.27'
11	800.00'	-20°05'60.0"	141.78'	280.65'

Dist

COUNTY

ROUTE

POST MILES
TOTAL PROJECT

SHEET
No.

TOTAL
SHEETS

05

SLC

1

64.0/R66.9

Kyle Birch

5-20-13

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER

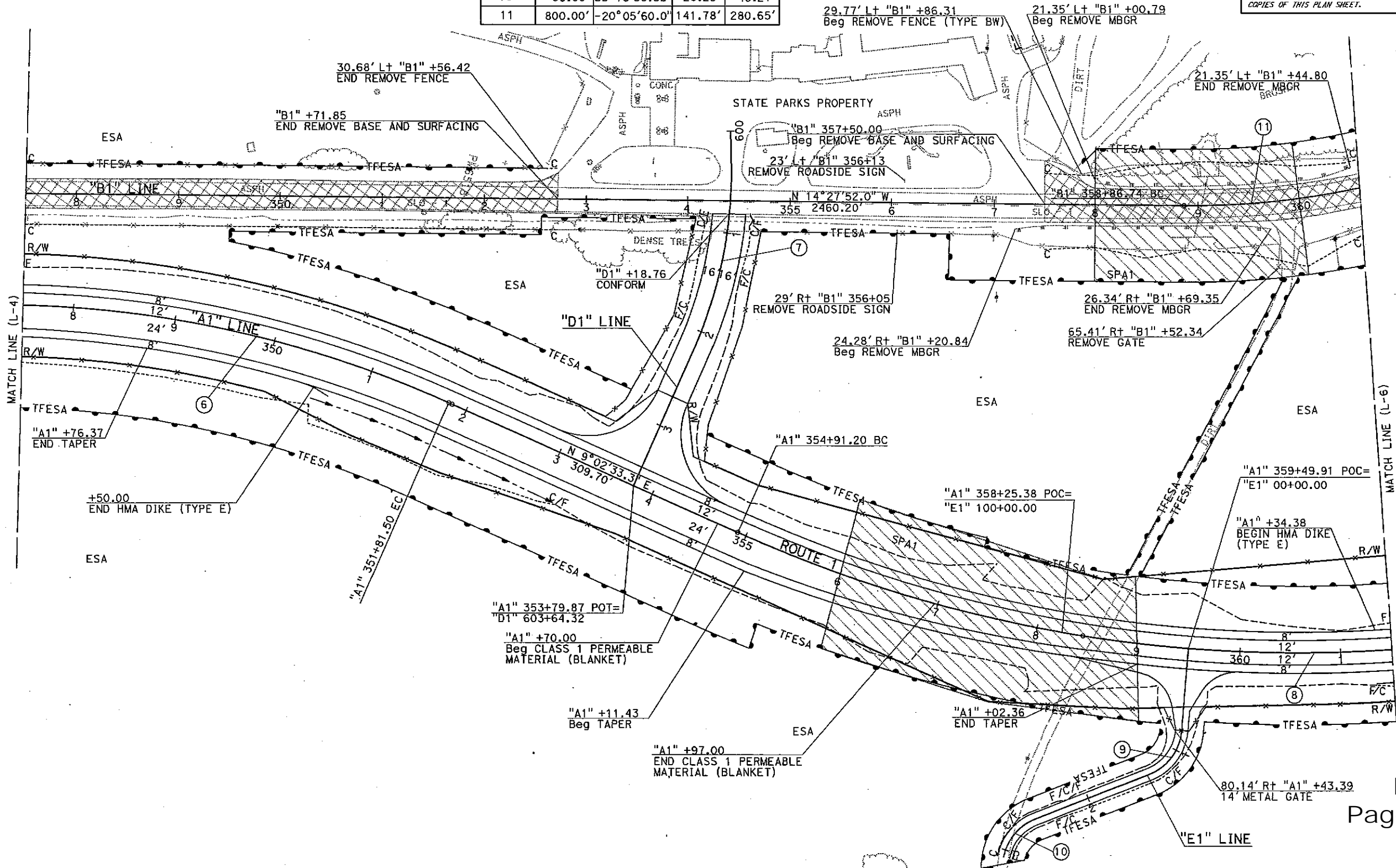
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 8 of 15

LAYOUT
L-5
SCALE 1" = 50'

NOTE:

FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
8	1350.00'	-43°15'06.8"	535.21'	1019.10'
11	800.00'	-20°05'60.0"	141.78'	280.65'
12	50.00'	15°58'48.6"	7.02'	13.95'
13	100.00'	-16°59'02.2"	14.93'	29.64'
14	100.00'	20°20'22.0"	17.94'	35.50'
15	300.00'	-13°38'05.0"	35.87'	71.39'
16	425.00'	-14°26'52.0"	53.87'	107.17'
17	425.00'	7°28'36.0"	27.77'	55.46'

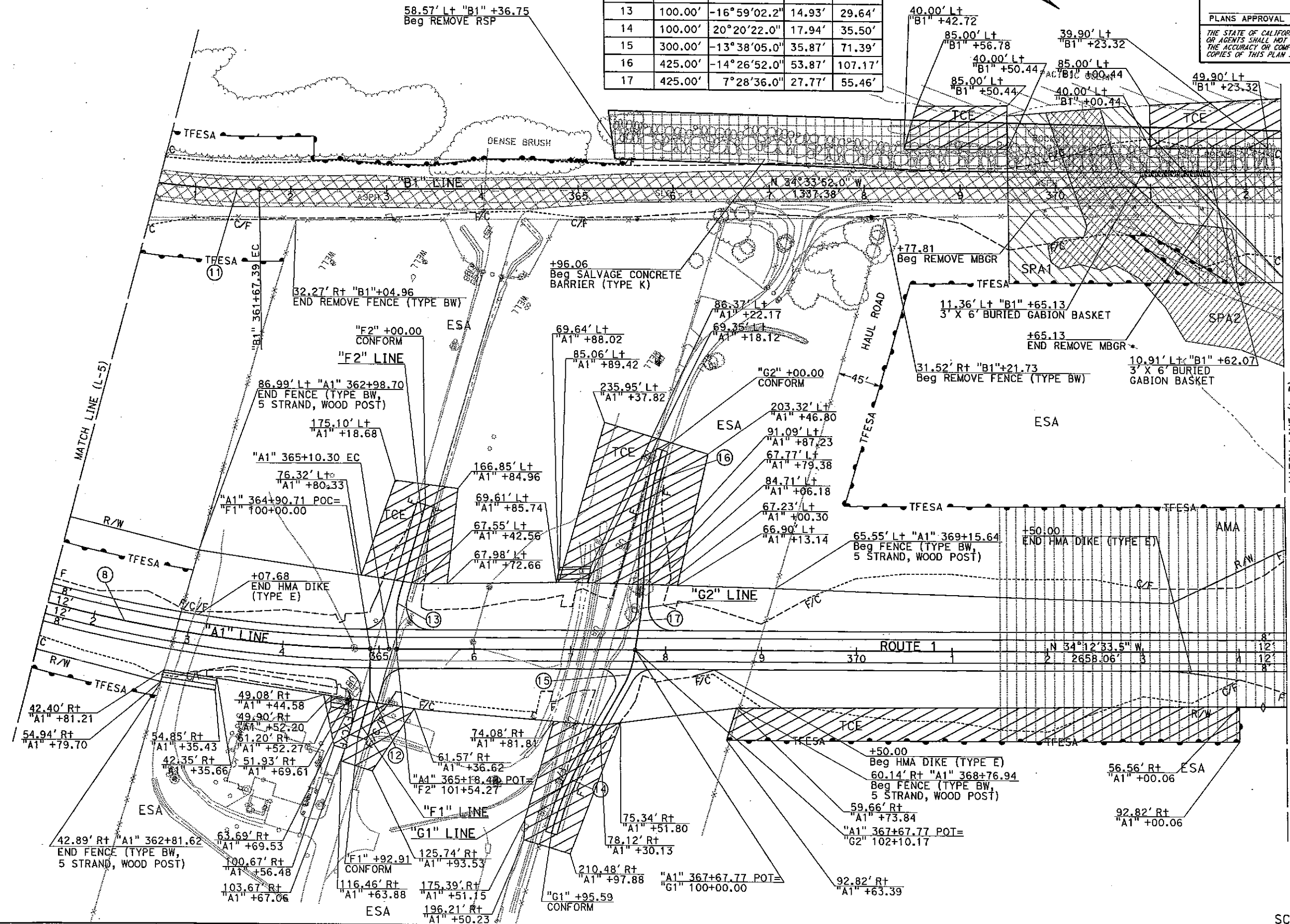
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL SHEETS
05	SLO	1	64.0/R66.9	

Kyle Birch 5-20-13
REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

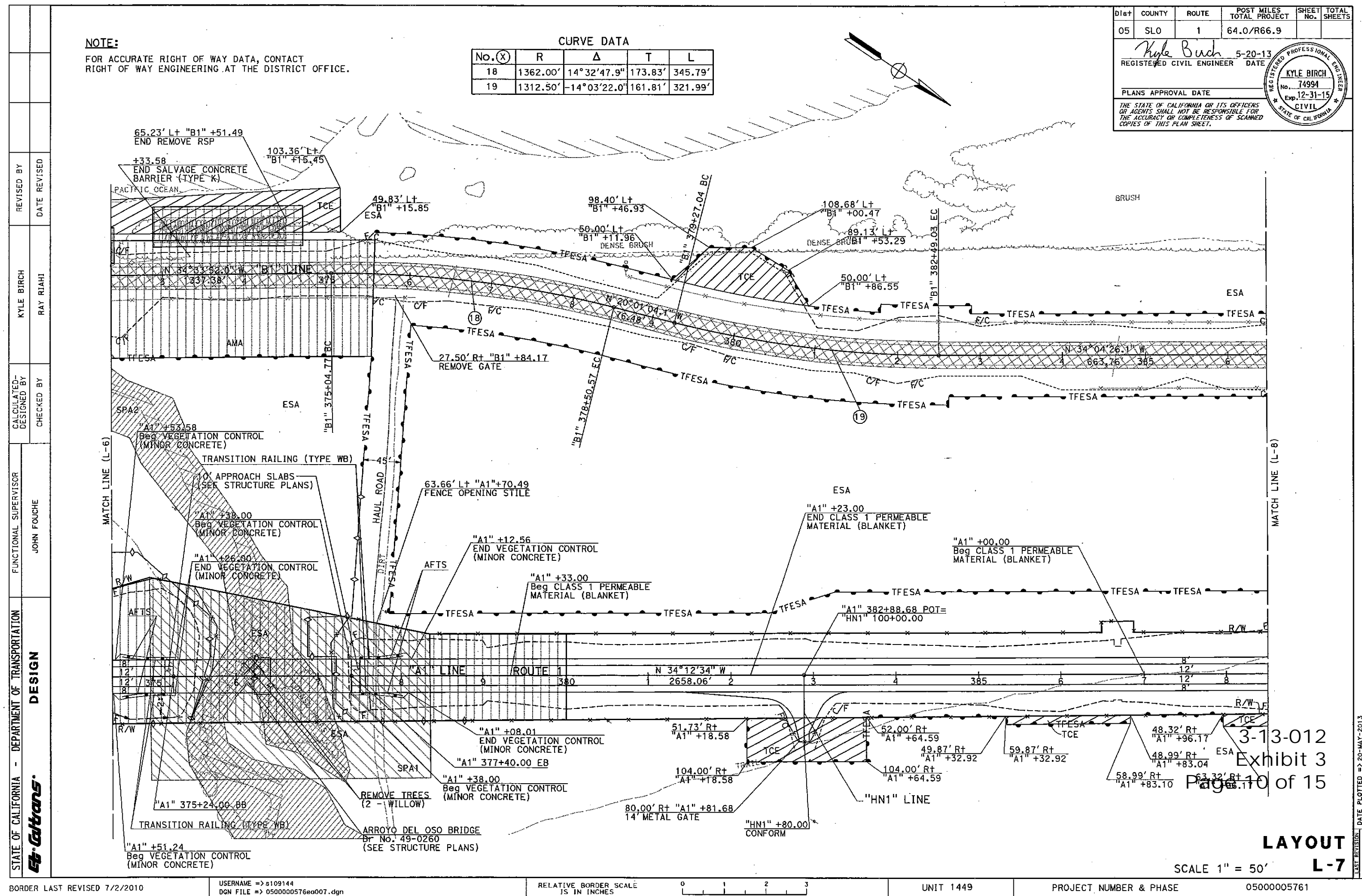
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KYLE BIRCH
No. 74994
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 9 of 15

LAYOUT
L-6



NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
18	1362.00'	14°32'47.9"	173.83'	345.79'
19	1312.50'	-14°03'22.0"	161.81'	321.99'

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch 5-20-13
REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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KYLE BIRCH
No. 74994
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA

3-13-012
Exhibit 3
Page 10 of 15

LAYOUT
L-7
SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
20	2500.00'	-26°39'59.9"	592.51'	1163.55'
21	1900.00'	-28°22'57.2"	480.47'	941.20'

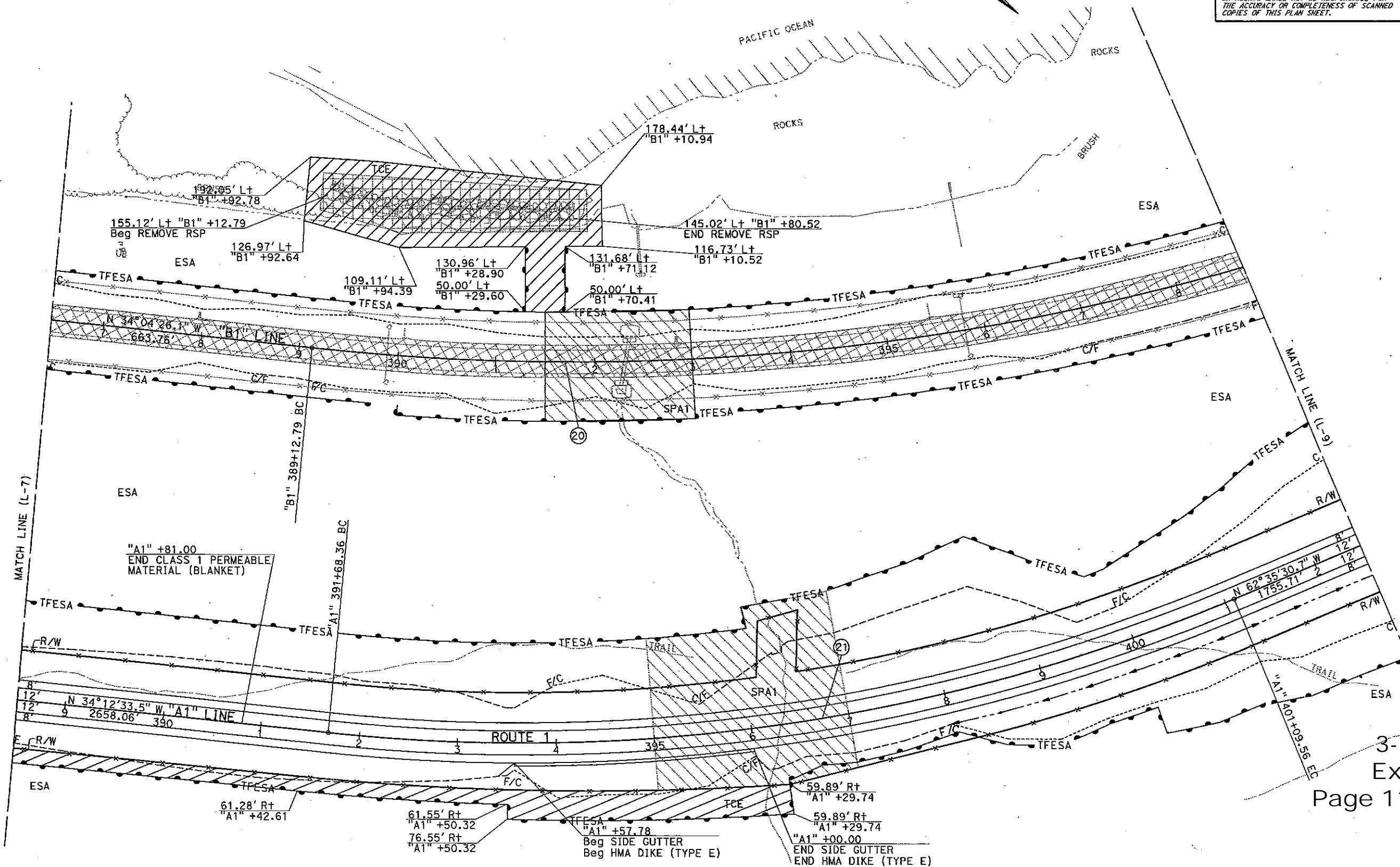
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch 5-20-13
REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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KYLE BIRCH
No. 74994
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 11 of 15

LAYOUT
L-8
SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch

5-20-13

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER

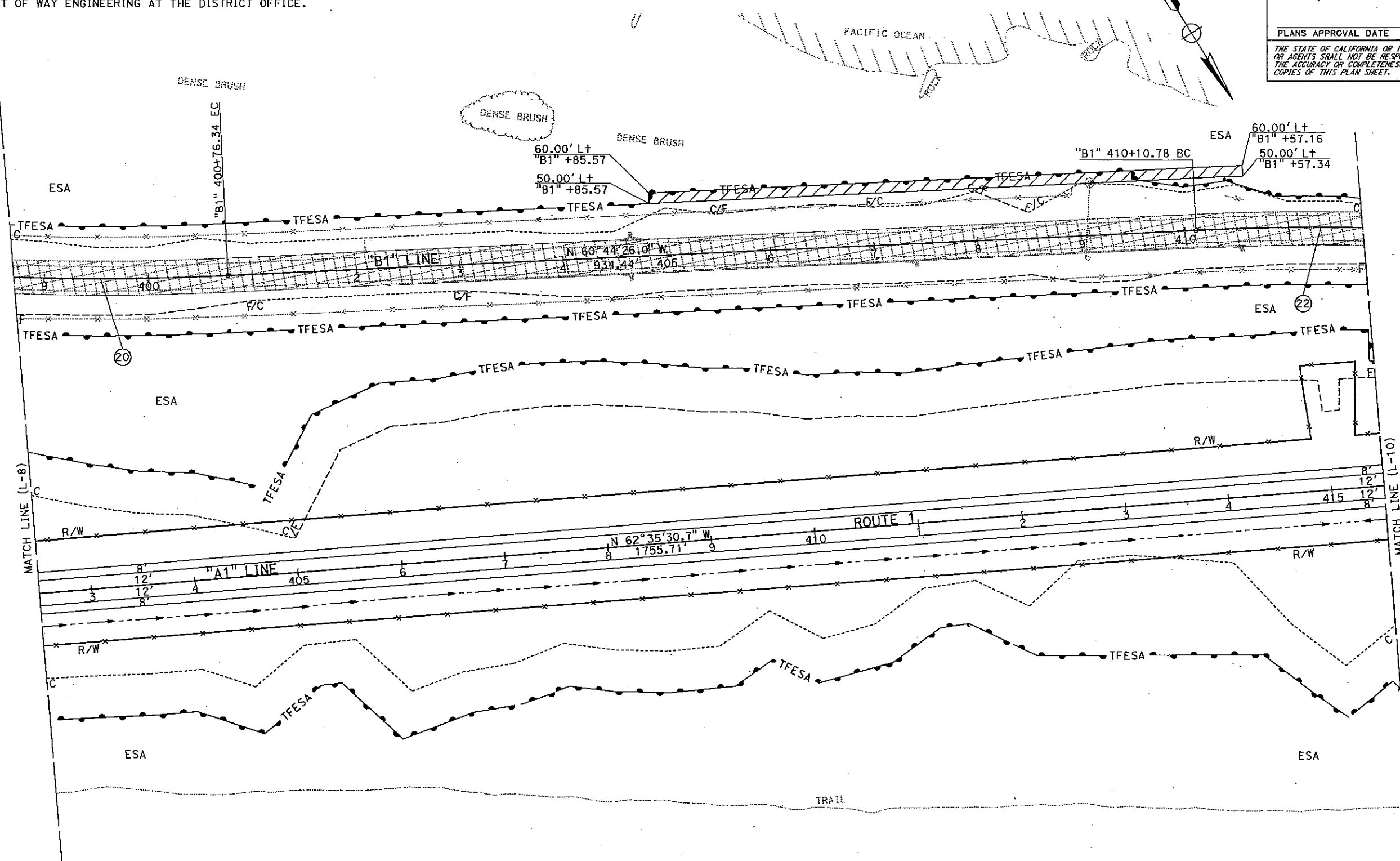
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



CURVE DATA				
No. (X)	R	Δ	T	L
20	2500.00'	-26° 39' 59.9"	592.51'	1163.55'
22	2500.00'	14° 20' 03.9"	314.37'	625.46'

3-13-012
Exhibit 3
Page 12 of 15

LAYOUT
L-9
SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
22	2500.00'	14°20'03.9"	314.37'	625.46'
23	1970.00'	75°30'20.7"	1525.50'	2596.11'
24	1090.00'	24°05'52.1"	232.66'	458.44'

DISTCOUNTYROUTEPOST MILESTOTAL PROJECTSHEET No.TOTAL SHEETS

05SLO164.0/R66.9

Kyle Birch5-20-13

REGISTERED CIVIL ENGINEERDATE

PLANS APPROVAL DATE

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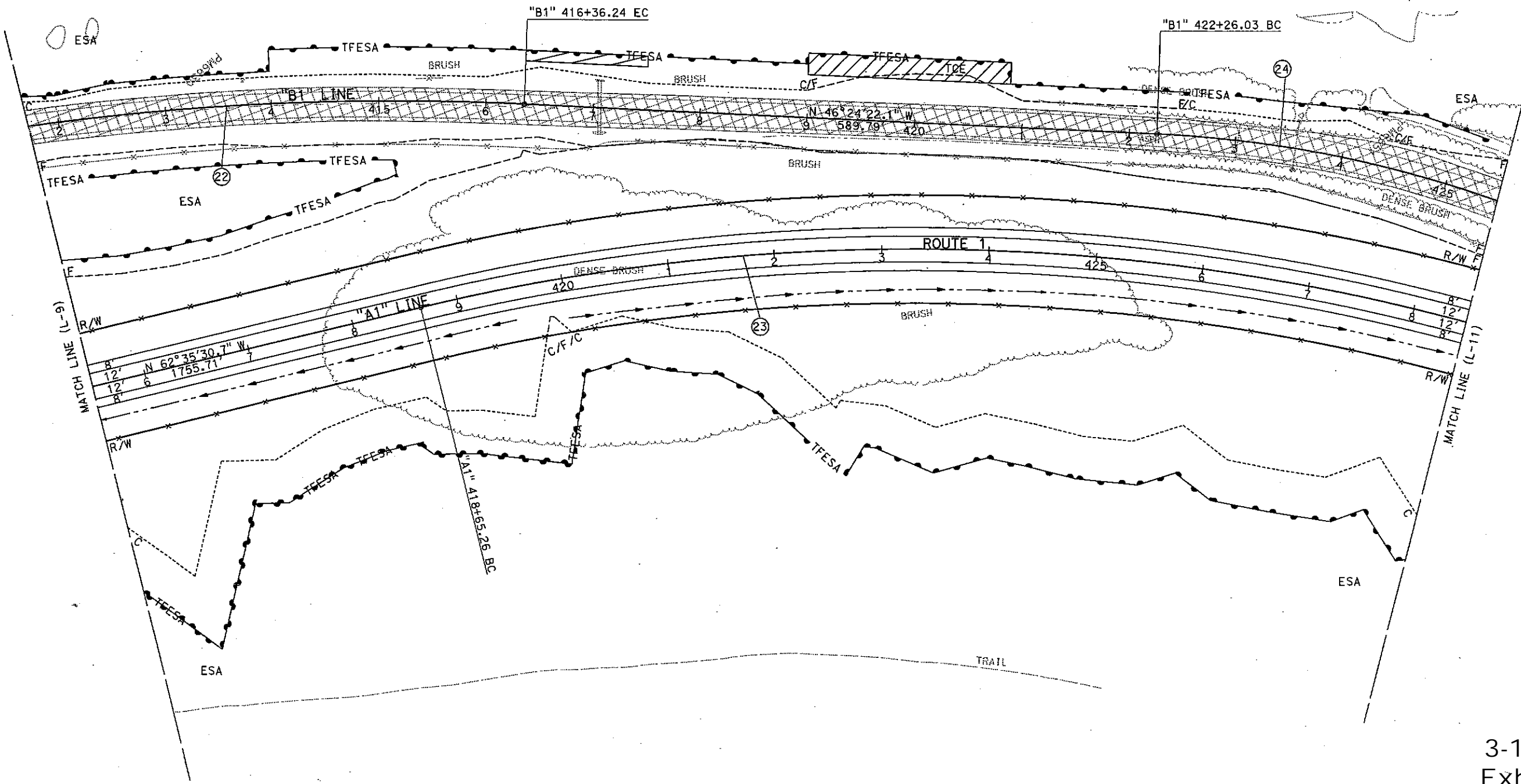
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 13 of 15

LAYOUT
L-10
SCALE 1" = 50'

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
23	1970.00'	75°30'20.7"	1525.50'	2596.11'
25	2495.00'	35°14'08.3"	792.32'	1534.37'

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch

REGISTERED CIVIL ENGINEER

5-20-13

DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER

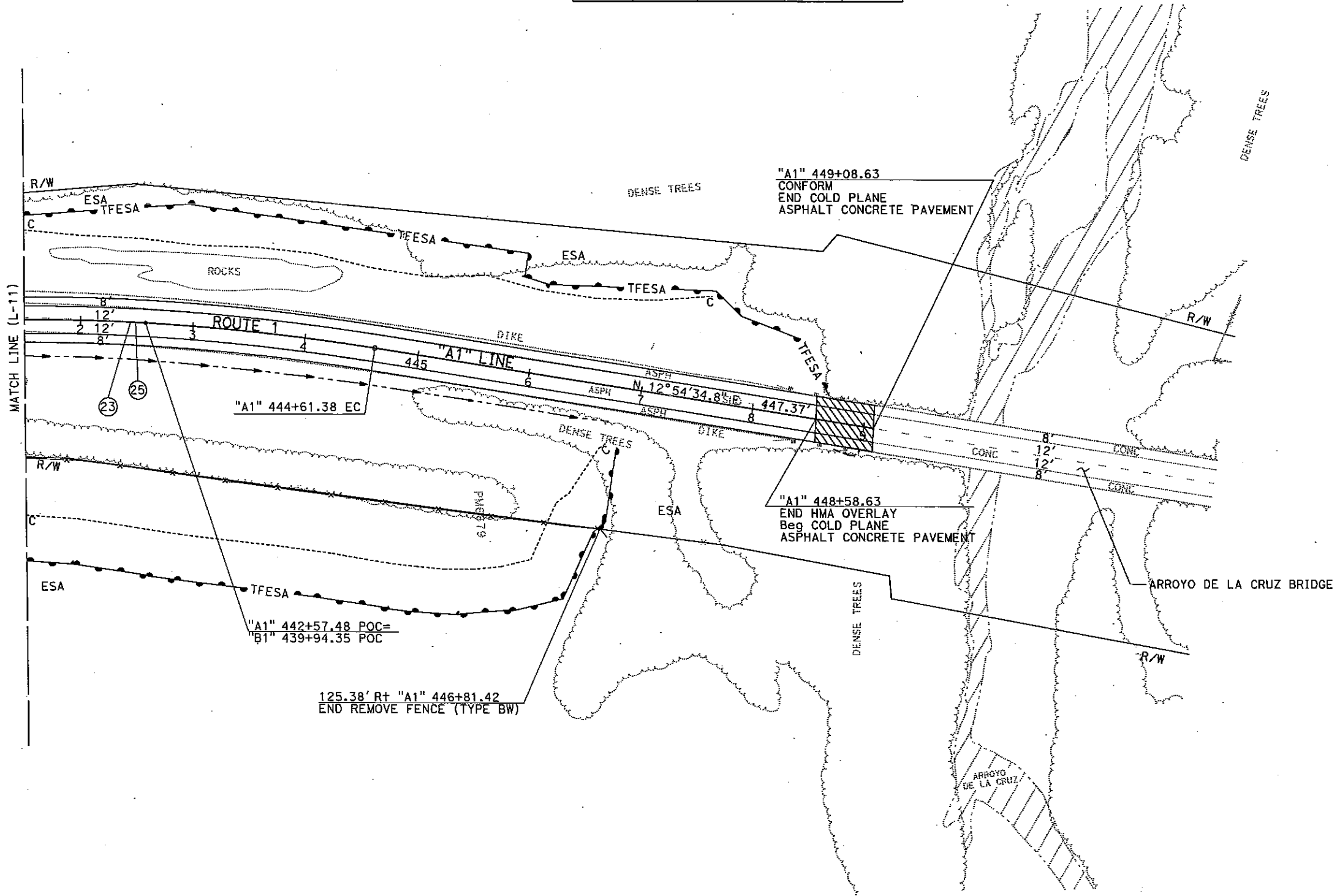
KYLE BIRCH

No. 74994

Exp. 12-31-15

CIVIL

STATE OF CALIFORNIA



3-13-012
Exhibit 3
Page 15 of 15

LAYOUT
SCALE 1" = 50'
L-12

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>



*Serious drought
Help save water!*

June 17, 2014

Daniel Robinson – Coastal Planner
California Coastal Commission, Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

**Subject: Summary of California Coastal Trail Parking Proposal Developed in
Coordination with California Department of Parks and Recreation**

Dear Mr. Robinson:

As requested by the Coastal Commission, the Department of Transportation (Caltrans) and the Department of Parks and Recreation (Parks) have coordinated on trailhead parking for the future California Coastal Trail (Trail).

The following information describes Caltrans and Parks proposal for future trailhead parking access. Said parking will be constructed as part of the Piedras Blancas Realignment Project.

Southern Trailhead Parking Access: The area known as “Surfer’s Beach” near the southern end of the project is a popular access point to the beach. The parking in this area will be retained and improved as part of the project. A portion of the existing roadway will be re-established as a formalized parking area. A short paved driveway will connect the realigned highway to the parking area, anticipated to accommodate between 15 and 20 vehicles dependent upon the number of vehicles that can be screened in accordance with the Scenic Conservation Easement (Westside Public Ownership Area). The new roadway will be higher in elevation than the existing highway, providing the opportunity for utilizing existing topography and sensitively-designed berms to minimize visibility of parked vehicles while maintaining ocean and lighthouse views. To create a parking area that visually blends with the natural surroundings, the paved surface will be removed, replaced and reconfigured with a natural inert material such as decomposed granite or Class II base. Contour-grading and native revegetation surrounding the parking area will ensure compatibility with visual resources while maintaining valuable coastal access.

Piedras Blancas Motel Parking Access: Parking will continue at the existing parking lot of the Piedras Blancas Motel. The project will provide continued access by extending the existing driveway from the new highway alignment to the motel. A left turn pock will be constructed to

3-13-012

Exhibit 4

Page 1 of 6

remove traffic turning into the parking lot from the through traffic in the northbound direction. In addition, the paved section of existing highway immediately adjacent to the motel will be preserved for parking as part of the coastal trail access. Over time, as demonstrated demand for parking at the motel increases, Parks may propose additional parking for the area immediately east of the motel, between the existing roadway and the realigned highway. This location minimizes added artificial visual impacts by providing the additional parking where the views are already significantly affected by the built environment. Subsequent design efforts would strive to minimize noticeability of this future parking area and preserve coastal visual resources.

Northern Trailhead Parking Access: At the northern end of the project a wide area beyond the southbound shoulder currently provides a shared use for coastal access parking as well as a much-needed emergency stockpile location for road maintenance crews. This wide area is proposed to remain as is, with no reduction of parking capacity. The surface treatment would be decomposed granite or Class 2 base which would be maintained by Parks. Current use patterns show that most coastal access related vehicles park at the southern end of this area, allowing sufficient room for occasional use by work crews along the northern portion. The southern portion of this trailhead access point will accommodate at least 30 parking spaces. Because of the existing cut slopes in the area along the southbound roadside, the continuation of parking in this area will not have an increased effect on ocean views or scenic quality.

Sincerely,



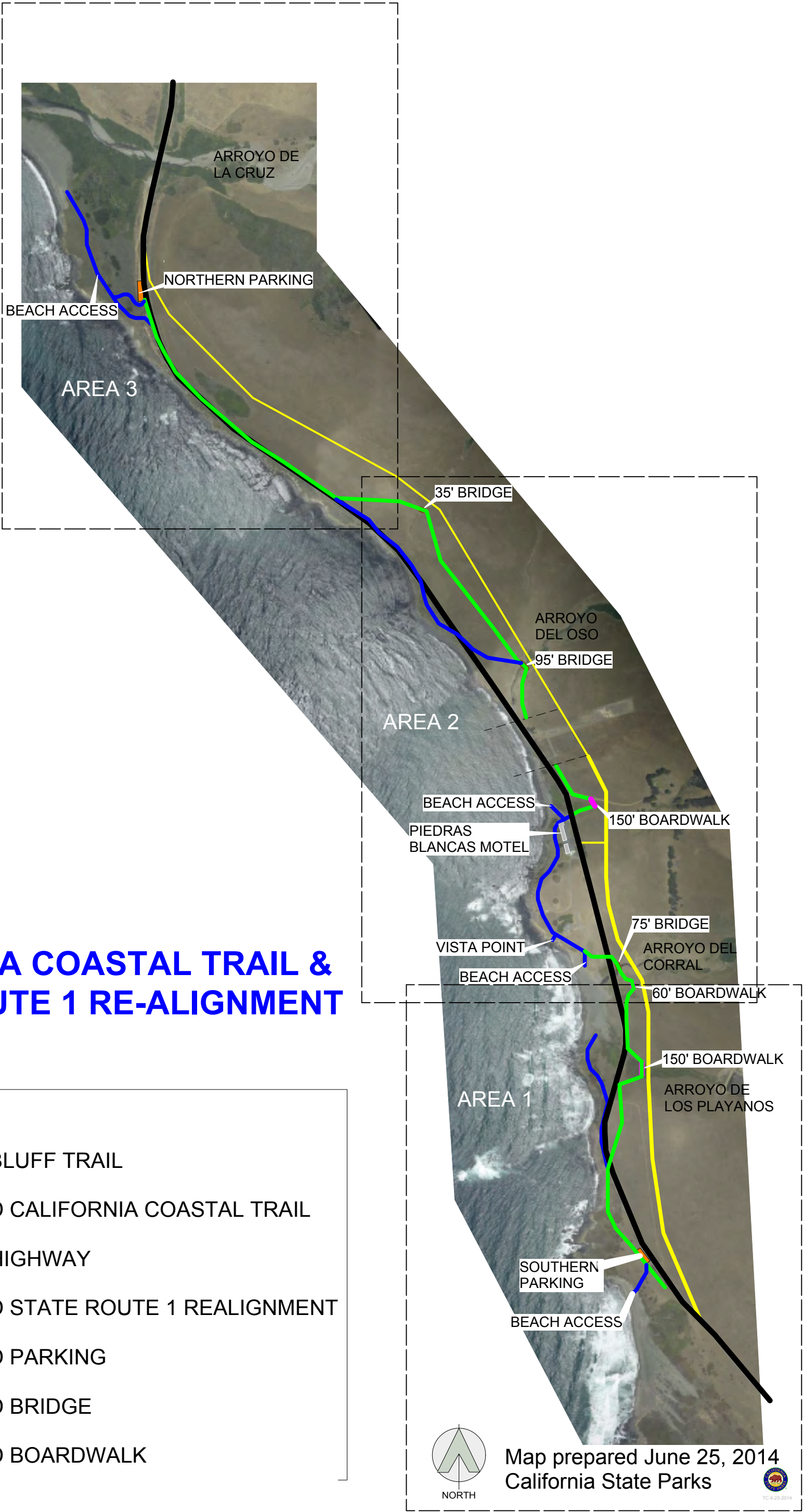
Cecilia Boudreau
Associate Environmental Planner

cc: Nick Franco, State Parks Superintendent -San Luis Obispo Coast District

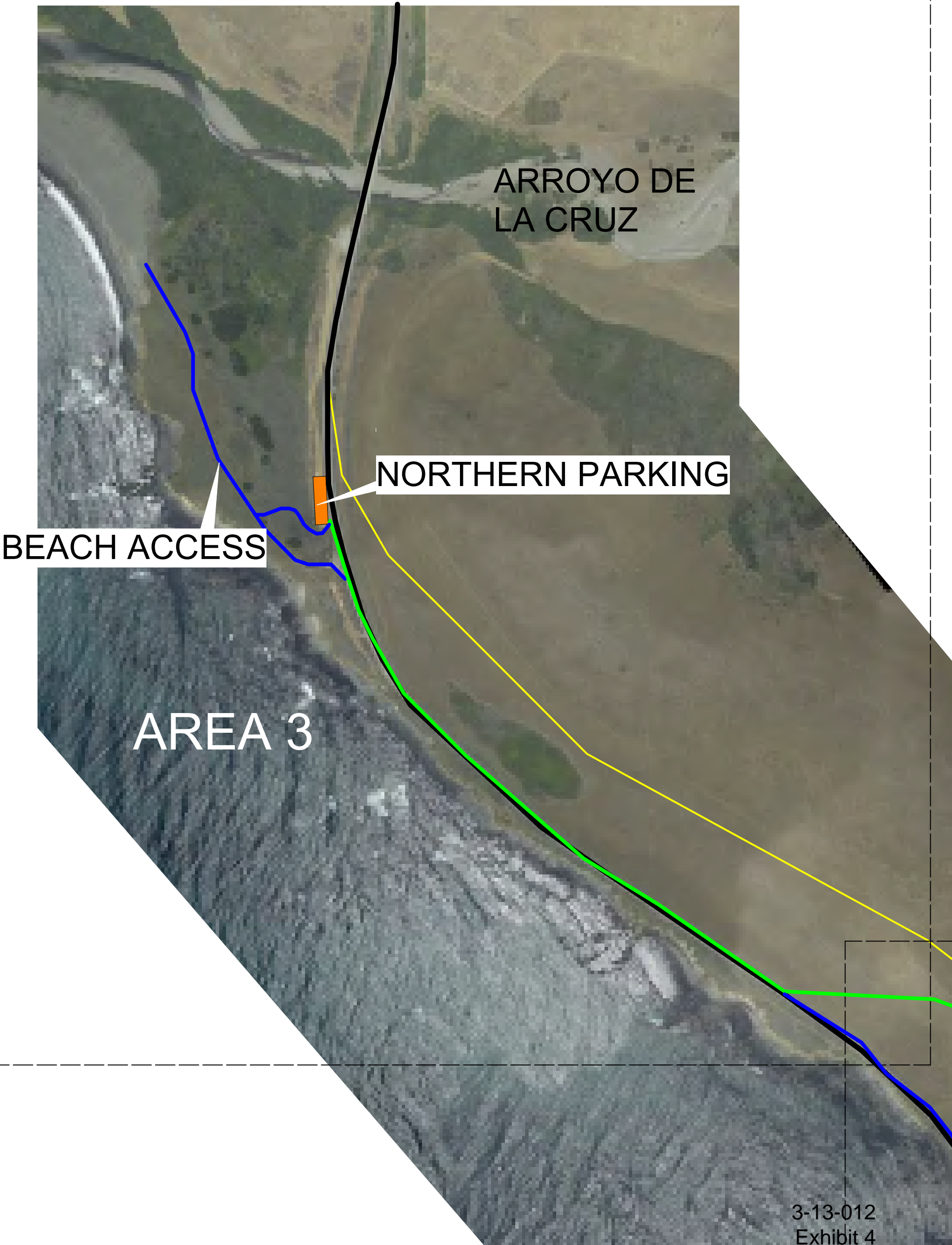
CALIFORNIA COASTAL TRAIL & STATE ROUTE 1 RE-ALIGNMENT

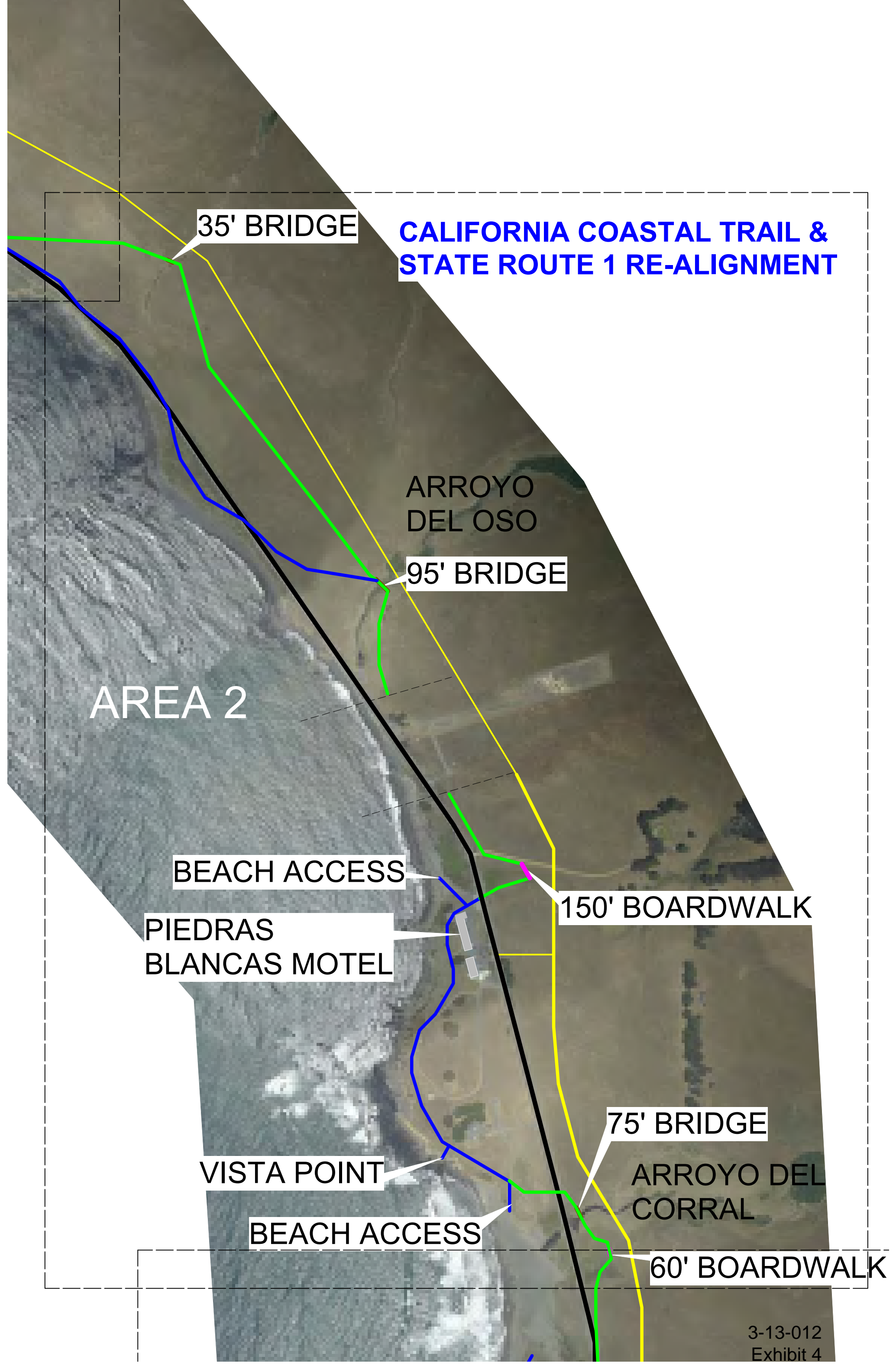
LEGEND

- EXISTING BLUFF TRAIL
- PROPOSED CALIFORNIA COASTAL TRAIL
- EXISTING HIGHWAY
- PROPOSED STATE ROUTE 1 REALIGNMENT
- PROPOSED PARKING
- PROPOSED BRIDGE
- PROPOSED BOARDWALK



CALIFORNIA COASTAL TRAIL &
STATE ROUTE 1 RE-ALIGNMENT





**CALIFORNIA COASTAL TRAIL &
STATE ROUTE 1 RE-ALIGNMENT**

35' BRIDGE

ARROYO
DEL OSO

95' BRIDGE

AREA 2

BEACH ACCESS

PIEDRAS
BLANCAS MOTEL

150' BOARDWALK

VISTA POINT

BEACH ACCESS

75' BRIDGE

ARROYO DEL
CORRAL

60' BOARDWALK

VISTA POINT

BEACH ACCESS

75' BRIDGE

ARROYO DEL
CORRAL

60' BOARDWALK

AREA 1

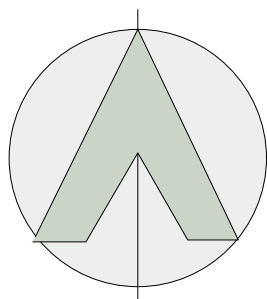
150' BOARDWALK

ARROYO DE
LOS PLAYANOS

SOUTHERN
PARKING

BEACH ACCESS

**CALIFORNIA COASTAL TRAIL &
STATE ROUTE 1 RE-ALIGNMENT**



NORTH

Map prepared June 25, 2014
California State Parks



TC 6-25-2014

PACIFIC OCEAN

BEACH →

EXISTING BLUFF TRAIL

NEW ARROYO DE LA CRUZ TRAIL HEAD

"B1" 426+84.47 EC

"B1" 426+88.84 BC

DENSE BRUSH
ESA

TFESA

TFESA

TFESA

TFESA

R/W

20.00' LT+ "A1" 439+50.00
END REMOVE BASE & SURFACING

ESA

N 22°18'30.0" W
4.37'

STOP SIGN

LEFT HAND TURN LANE

LEGEND

- PROPOSED PARKING 20 VEHICLES
- EXISTING HIGHWAY TO REMAIN
- NEW HIGHWAY REALIGNMENT
- PROPOSED CALIFORNIA COASTAL TRAIL
- EXISTING FOOT PATHS



TC 6-23-14

PROPOSED PARKING ARROYO DE LA CRUZ BEACH ACCESS



NORTH

ESA

ESA

REMOVE TREES
(3 - MONTEREY PINES)

DENSE BRUSH
R/W

MATCH LINE (L-12)



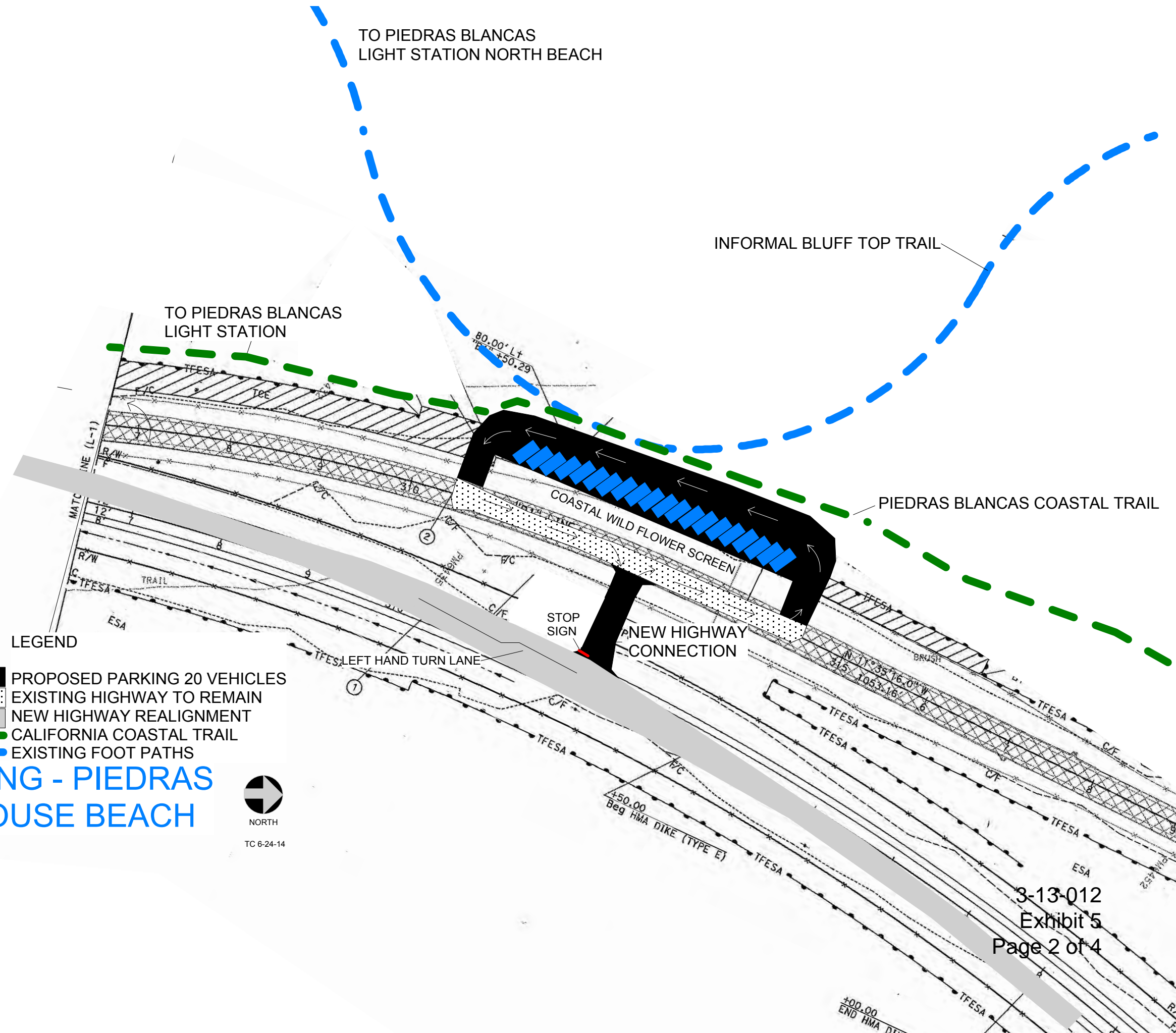
PROPOSED PARKING - PIEDRAS BLANCAS LIGHTHOUSE BEACH

- LEGEND
- PROPOSED PARKING 20 VEHICLES
 - EXISTING HIGHWAY TO REMAIN
 - NEW HIGHWAY REALIGNMENT
 - CALIFORNIA COASTAL TRAIL
 - EXISTING FOOT PATHS



NORTH

TC 6-24-14



Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

Kyle Birch 5-20-13
REGISTERED CIVIL ENGINEER DATE

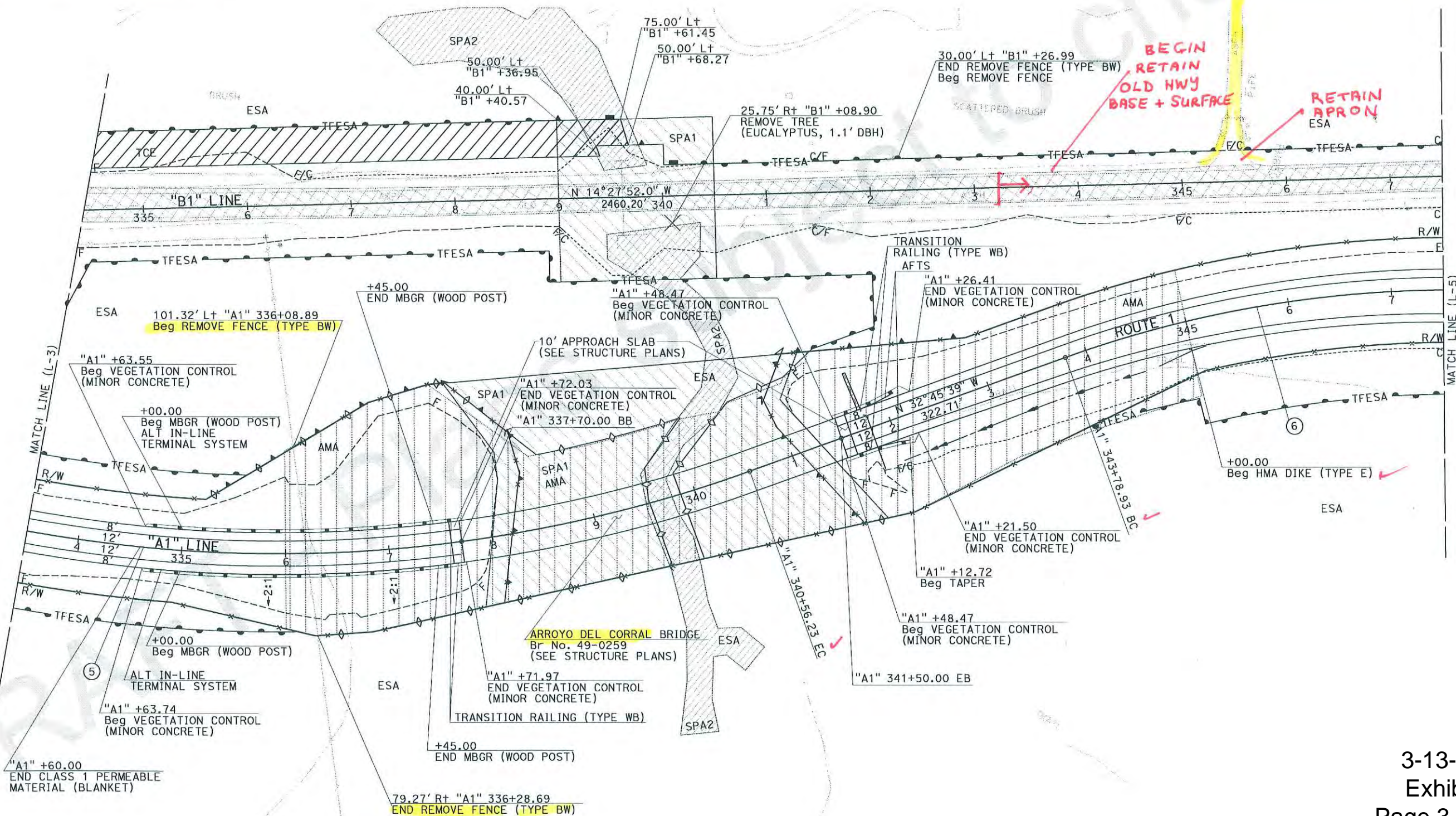
PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS
OR AGENTS SHALL NOT BE RESPONSIBLE FOR
THE ACCURACY OR COMPLETENESS OF SCANNED
COPIES OF THIS PLAN SHEET.

REGISTERED PROFESSIONAL ENGINEER
No. 74994
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
5	1350.00'	-36°15'19.8"	441.97'	854.25'
6	1100.00'	41°48'12.6"	420.09'	802.57'



3-13-012
Exhibit 5
Page 3 of 4

LAYOUT
L-4

SCALE 1" = 50'

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		

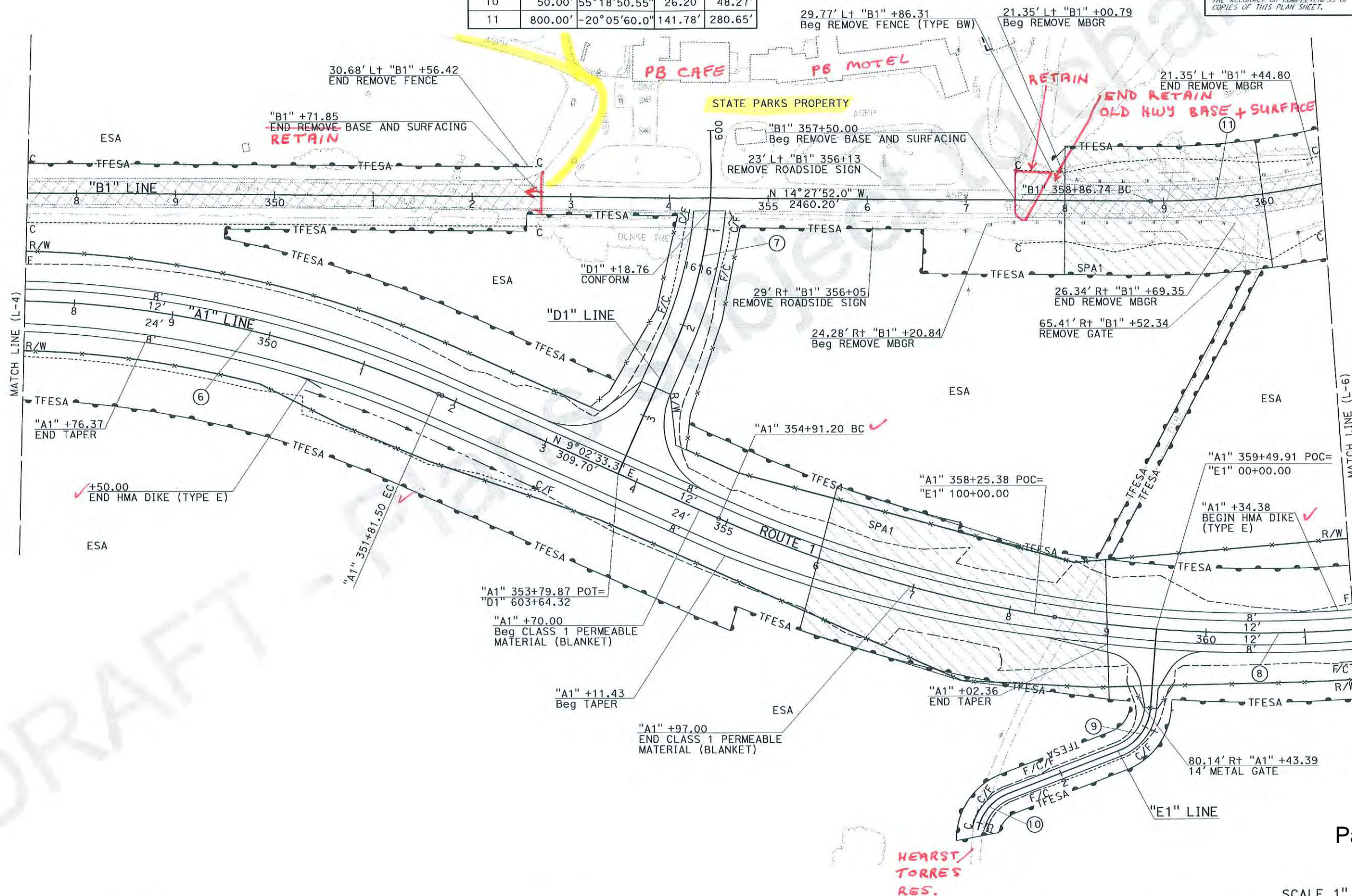
Kyle Birch
 REGISTERED CIVIL ENGINEER
 No. 74994
 Exp. 12-31-15
 CIVIL
 STATE OF CALIFORNIA

PLANS APPROVAL DATE 5-20-13

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

No. (X)	R	Δ	T	L
6	1100.00'	41°48'12.6"	420.09'	802.57'
7	425.00'	24°46'54.28"	93.37'	183.82'
8	1350.00'	-43°15'06.8"	535.21'	1019.10'
9	50.00'	15°16'44.9"	6.71'	13.33'
10	50.00'	55°18'50.55"	26.20'	48.27'
11	800.00'	-20°05'60.0"	141.78'	280.65'

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



3-13-012
 Exhibit 5
 Page 4 of 4
LAYOUT
L-5

SCALE 1" = 50'

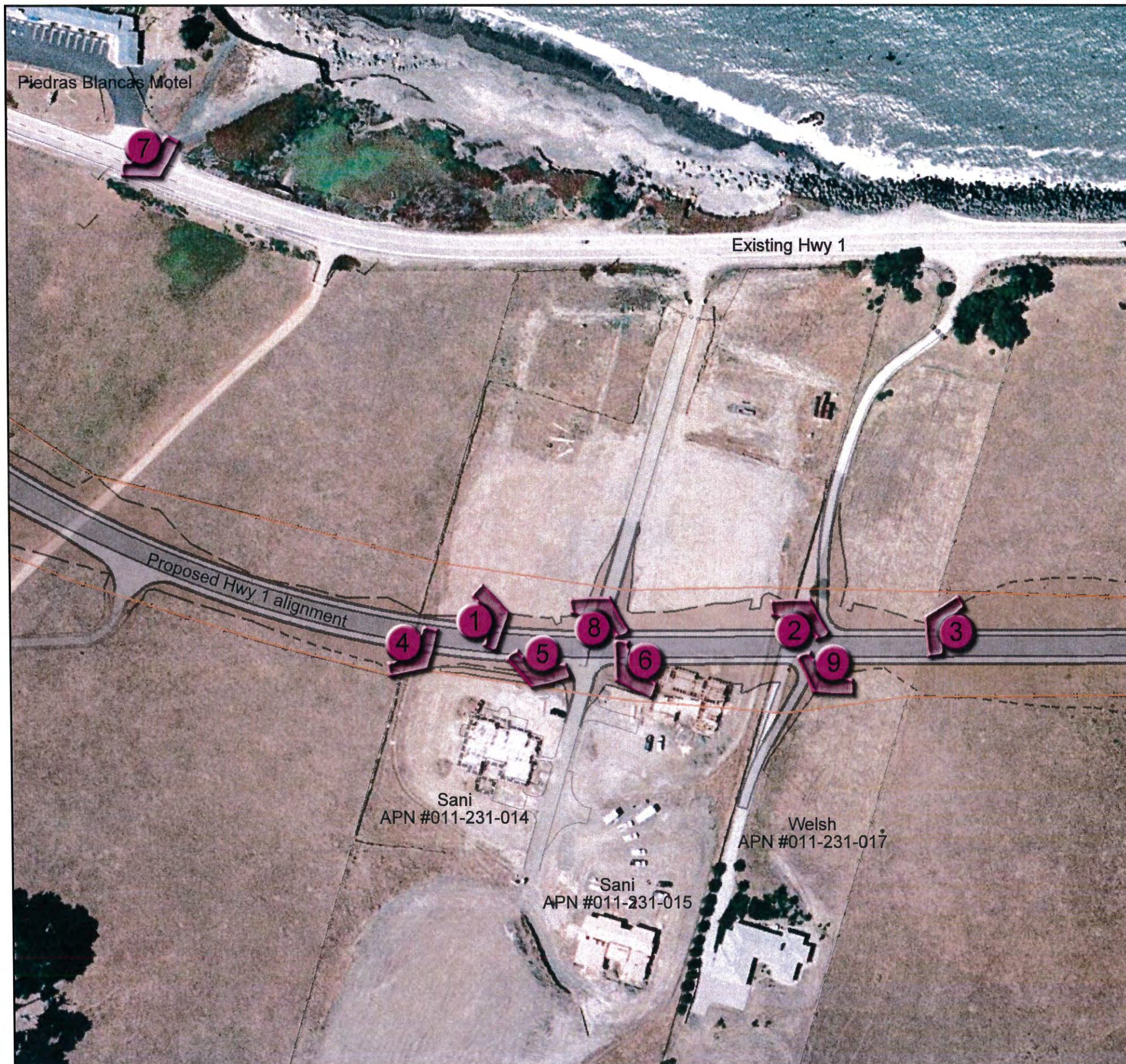


PHOTO-SIMULATION VIEWPOINTS LOCATION MAP

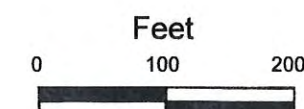
Photo-simulation methodology

To ensure accuracy of the photo-simulations, the future highway alignment was surveyed and staked in the field. All planting areas and driveway fill prisms were field measured. Reference markers and story-poles were then placed to represent accurate locations and heights of critical features. Correct viewpoint elevations were established by taking photos from approximately 5 feet above the height of the future roadway surface at each viewpoint location.

Key:



Location, direction and number of viewpoint and photo-simulation.



Highway 1
Piedras Blancas Realignment Project



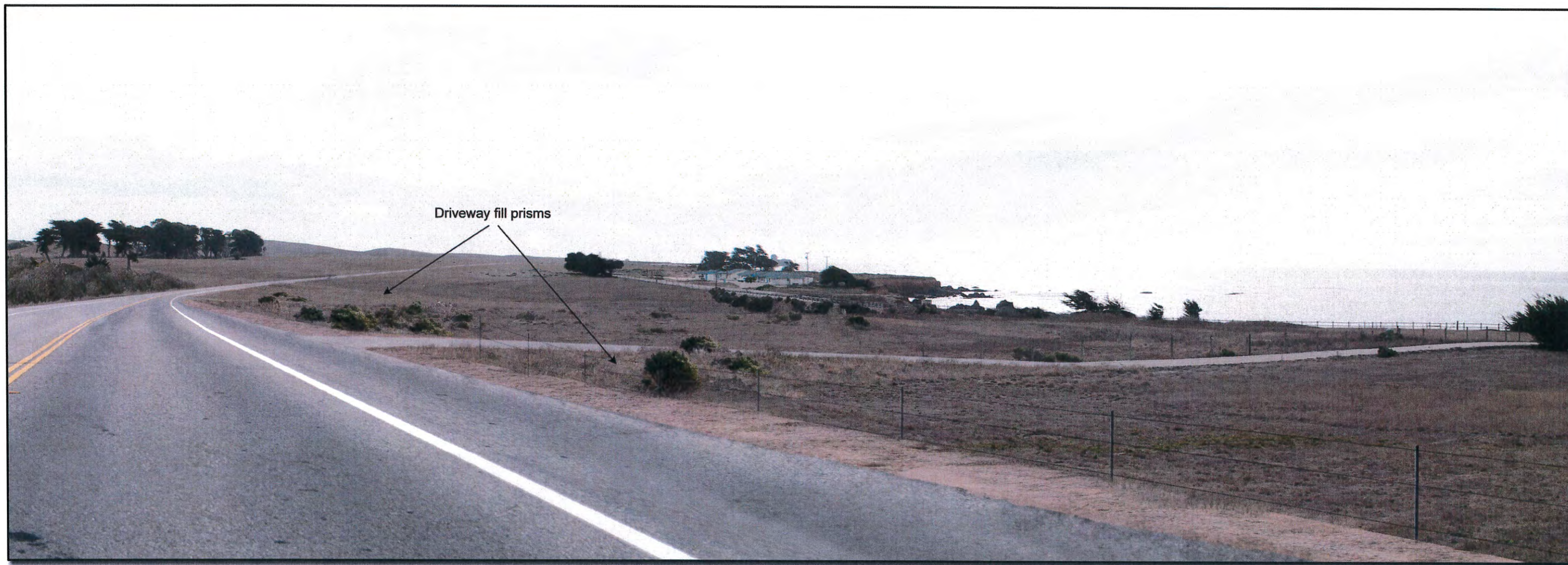
3-13-012
Exhibit 6
Page 1 of 10



Looking northwest from the future Highway 1 alignment.
The proposed driveway fill prisms are consistent with the visual character of the coastal setting.



Looking west from the future Highway 1 alignment.
The proposed driveway fill prisms are consistent with the visual character of the coastal setting.



Looking south from the future Highway 1 alignment.
The proposed driveway fill prisms are consistent with the visual character of the coastal setting.



Looking northeast from the future Highway 1 alignment.
The proposed screen planting substantially blocks views of the residences and still maintains views of the distant hillsides and ridgeline.



Looking east from the future Highway 1 alignment.
The proposed screen planting substantially blocks views of the residences and
still maintains views of the distant hillsides and ridgeline.



Looking southeast from the future Highway 1 alignment.
The proposed screen planting substantially blocks views of the residences and
still maintains views of the distant hillsides and ridgeline.



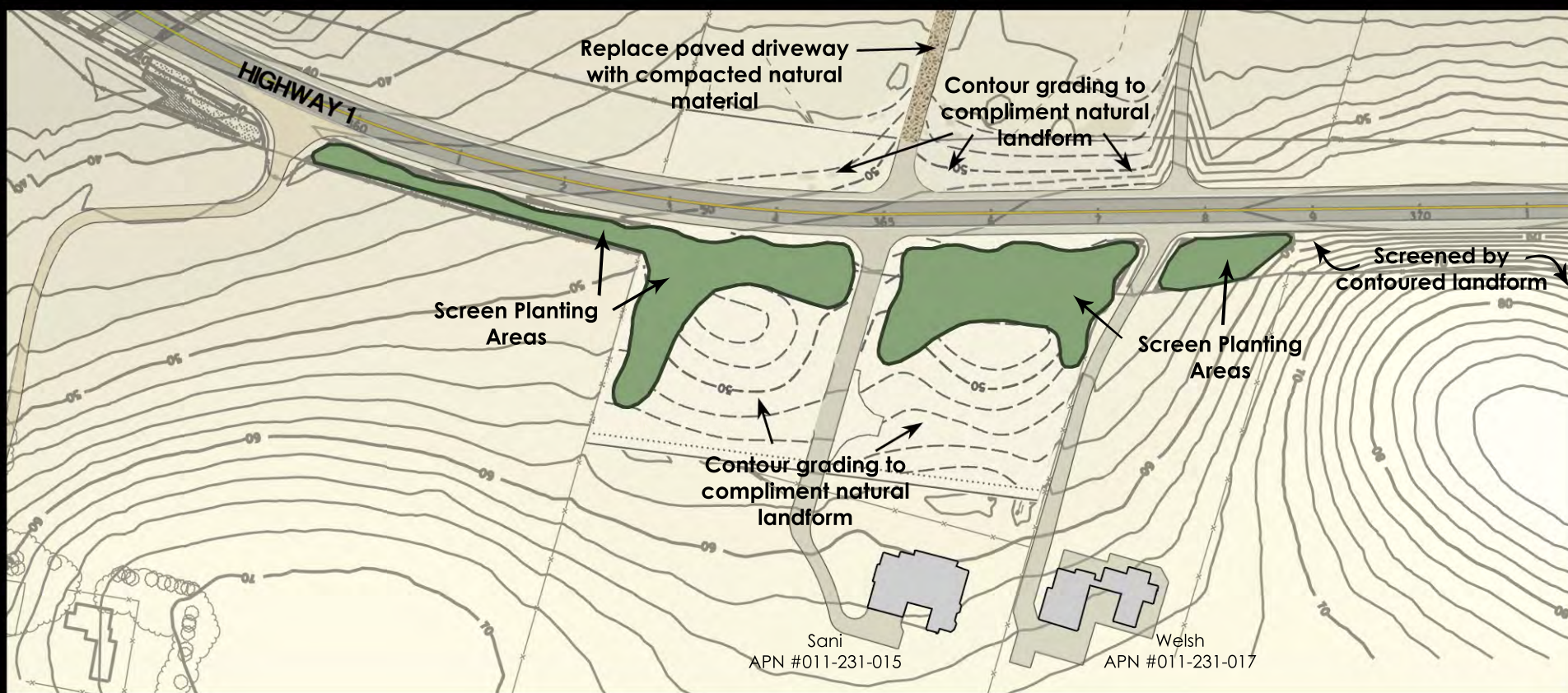
Looking north from the Piedras Blancas Motel.
 The proposed driveway fill prisms visually blend-in with the surrounding grass covered landscape.
 The proposed screen planting substantially obscures the residences and has no effect on views of the distant hillsides.



Looking west from the future Highway 1 alignment
near the southernmost driveway.



Looking east from the future Highway 1 alignment
near the northernmost driveway.



Screen Planting Concept

Provide a natural-appearing combination of native vegetation and contour grading to screen the residences inland from Highway 1, while still allowing views to the scenic hills and ridgelines beyond.

Coastal scrub species will be used for visual screening. Typical species may include:

- *Arctostaphylos* spp.- Manzanita (3'-9' tall)
- *Ceanothus arboreus*- Island mountain lilac (9'-18' tall)
- *Ceanothus thyrsiflorus*- Big Sur california lilac (6'-15' tall)
- *Heteromeles arbutifolia*- Toyon (6'-10' tall)
- *Lupinus albifrons*- Silver lupine (3'-5' tall)
- *Lupinus chamissonis*- Beach blue lupine (4'-6' tall)
- *Rhamnus californica*- California coffeeberry (3'-10' tall)
- *Rhus integrifolia*- Lemonade berry (3'-10' tall)
- *Ribes sanguineum*- Red flowering current (4'-8' tall)
- *Romneya coulteri*- Matilija poppy (8' tall)
- *Romneya trichocalyx*- Coastal matilija poppy (6' tall)
- *Salvia melifera*- Black sage (3'-6' tall)
- *Sambucus mexicanus*- Blue elderberry (4'-12' tall)

VISUAL SCREENING / CONTOUR GRADING CONCEPT

HIGHWAY 1- -PIEDRAS BLANCAS ROAD REALIGNMENT

3-13-012

Exhibit 7

Page 1 of 1



SCALE

0 50' 100' 200'

Revised June 2014

LEGEND



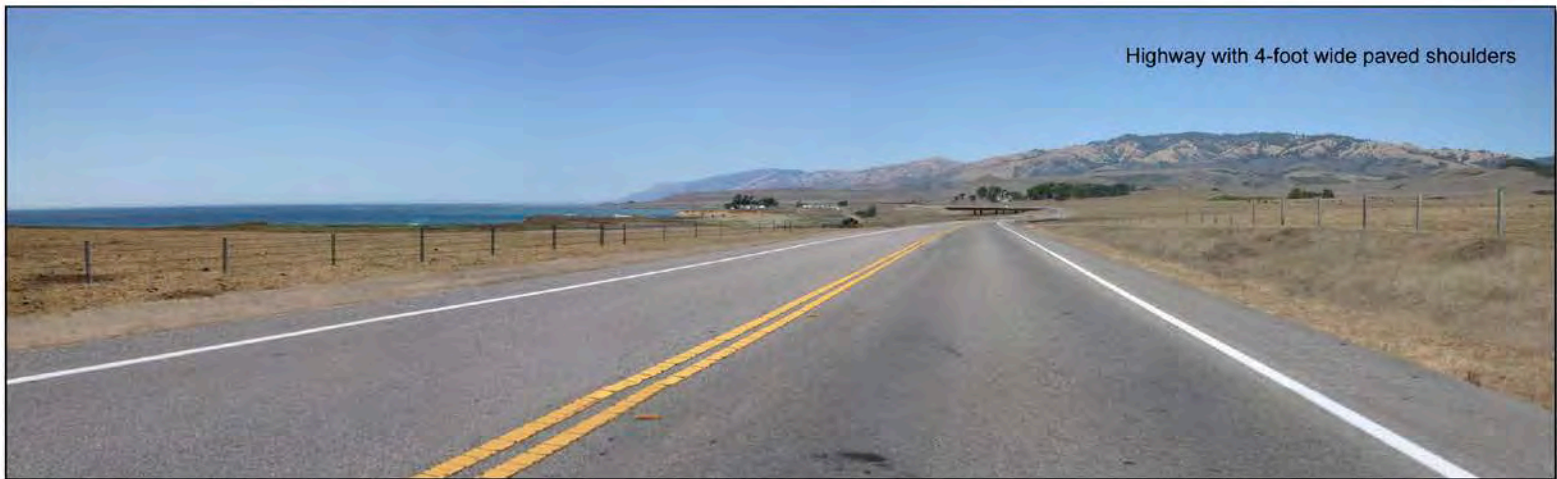
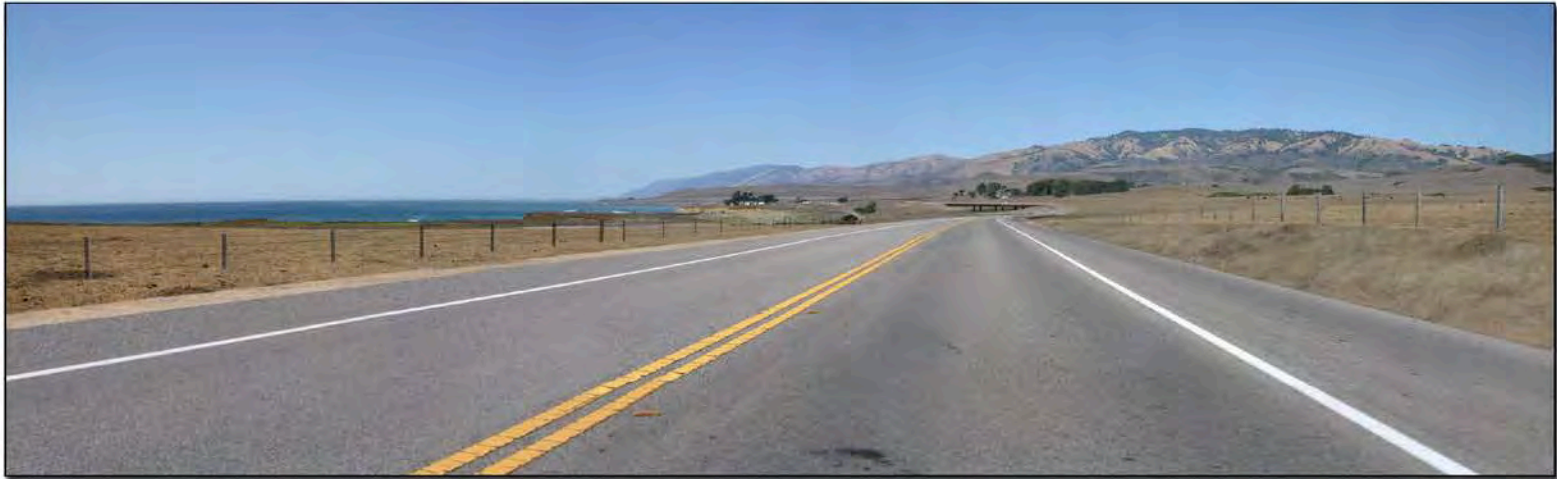
SCREEN PLANTING AREA



CONTOUR GRADING



COMPACTED NATURAL MATERIAL FOR ACCESS TO WELLS



Highway with 4-foot wide paved shoulders

Looking northbound from along the southern portion of the new alignment.



Highway with 8-foot wide paved shoulders



Highway with 4-foot wide paved shoulders

Looking southbound from along the northern portion of the new alignment.



PHOTO-SIMULATIONS
COMPARISON OF SHOULDER WIDTHS
FIGURE B

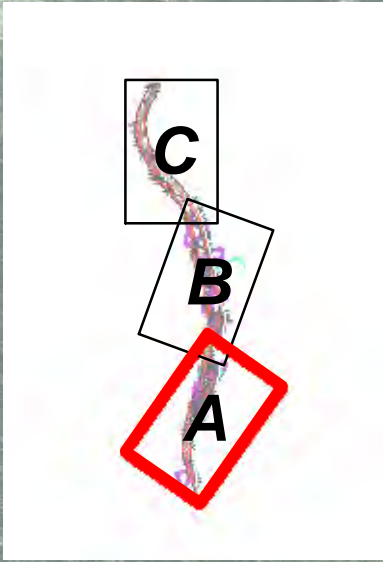
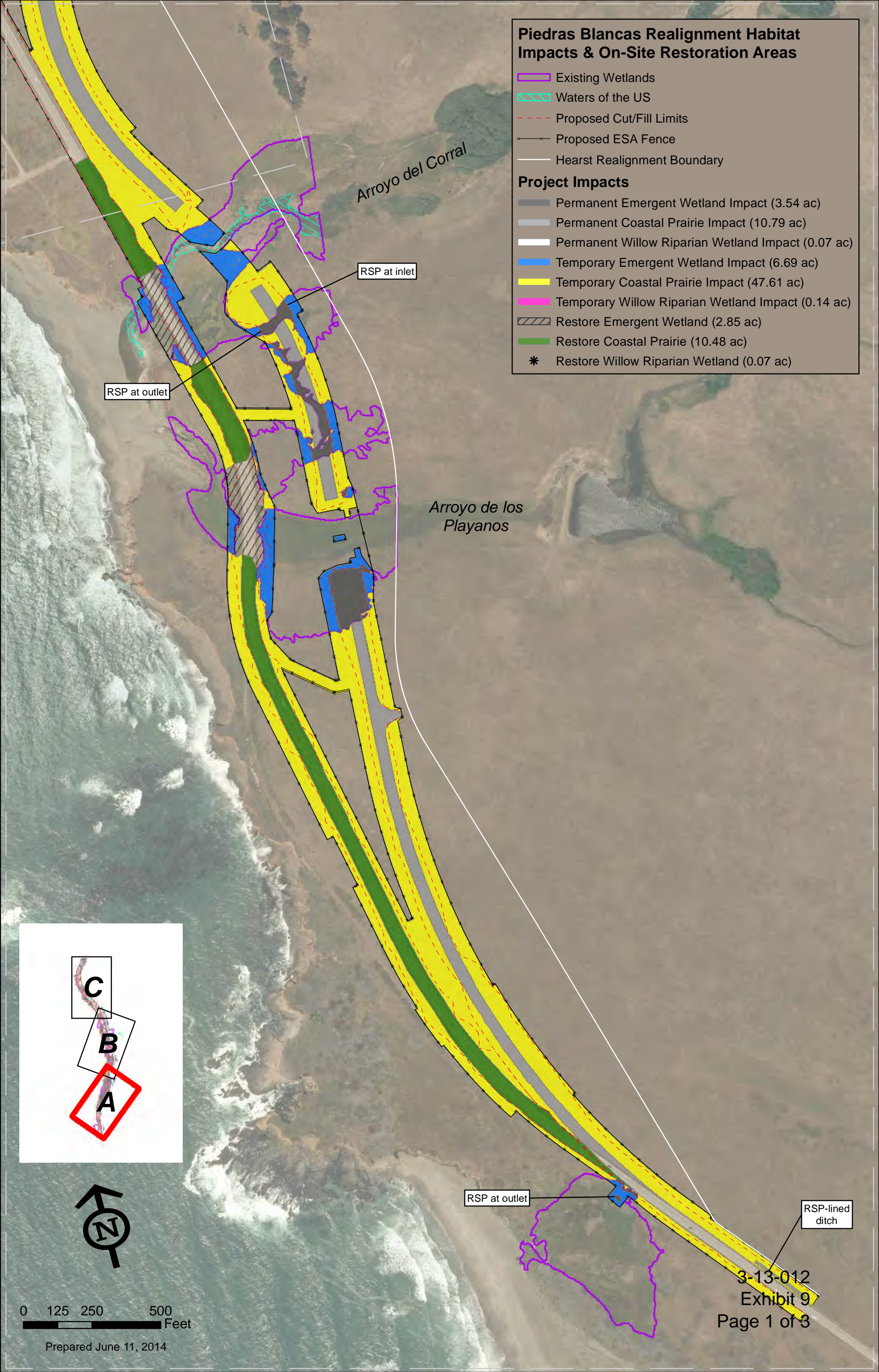
3-13-012
Exhibit 8
Page 2 of 2

Piedras Blancas Realignment Habitat Impacts & On-Site Restoration Areas

- Existing Wetlands
- Waters of the US
- Proposed Cut/Fill Limits
- Proposed ESA Fence
- Hearst Realignment Boundary

Project Impacts

- Permanent Emergent Wetland Impact (3.54 ac)
- Permanent Coastal Prairie Impact (10.79 ac)
- Permanent Willow Riparian Wetland Impact (0.07 ac)
- Temporary Emergent Wetland Impact (6.69 ac)
- Temporary Coastal Prairie Impact (47.61 ac)
- Temporary Willow Riparian Wetland Impact (0.14 ac)
- Restore Emergent Wetland (2.85 ac)
- Restore Coastal Prairie (10.48 ac)
- Restore Willow Riparian Wetland (0.07 ac)



0 125 250 500 Feet

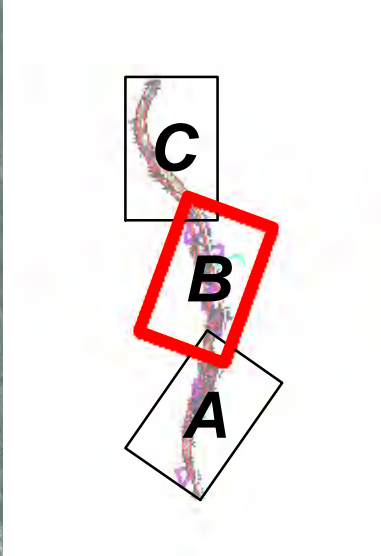
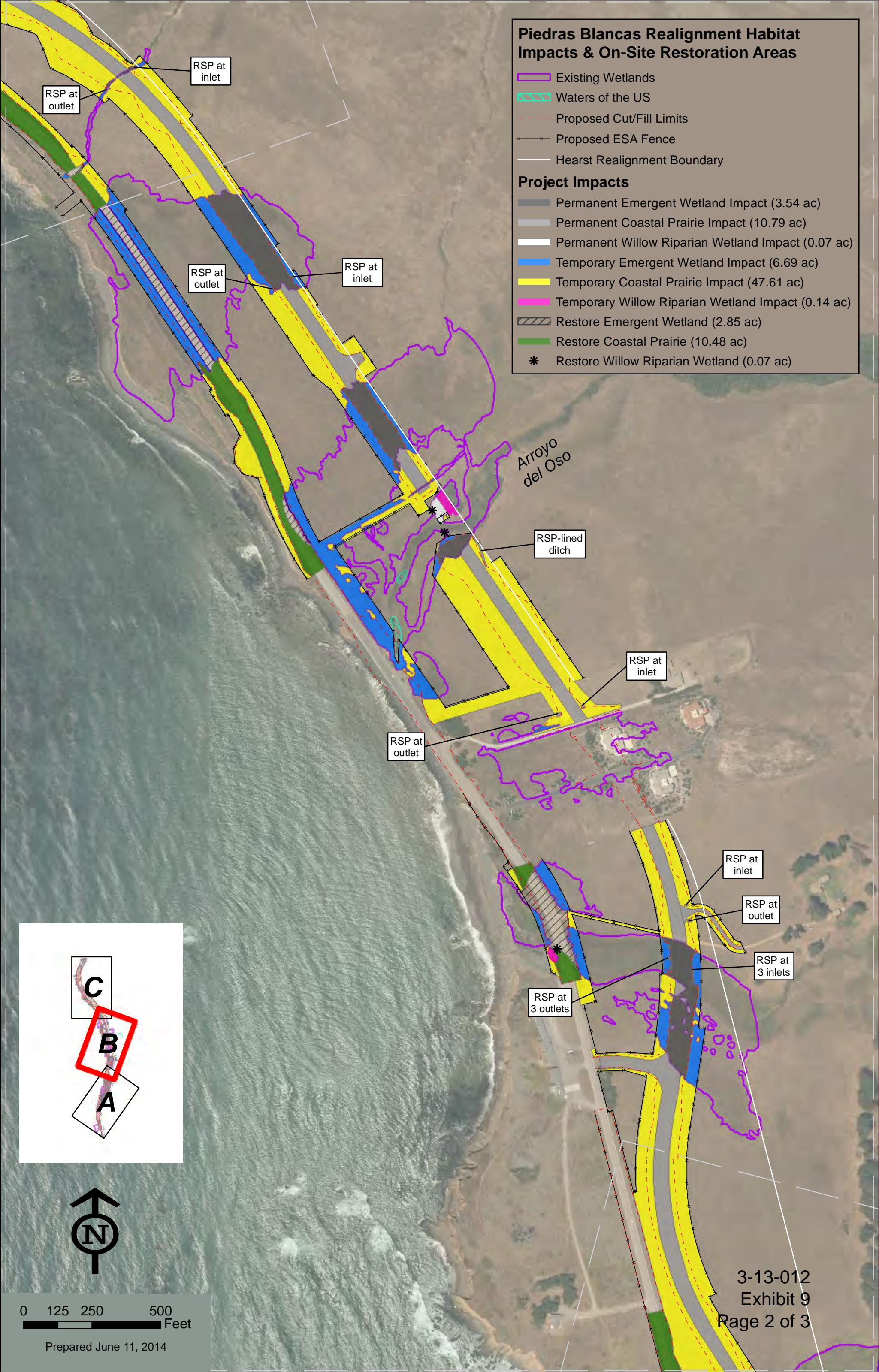
Prepared June 11, 2014

Piedras Blancas Realignment Habitat Impacts & On-Site Restoration Areas

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- Restore Emergent Wetland (2.85 ac)
- Restore Coastal Prairie (10.48 ac)
- Restore Willow Riparian Wetland (0.07 ac)



Prepared June 11, 2014

Arroyo de la Cruz

Piedras Blancas Realignment Habitat Impacts & On-Site Restoration Areas

- Existing Wetlands
 - Waters of the US
 - Proposed Cut/Fill Limits
 - Proposed ESA Fence
 - Hearst Realignment Boundary
- ## Project Impacts
- Permanent Emergent Wetland Impact (3.54 ac)
 - Permanent Coastal Prairie Impact (10.79 ac)
 - Permanent Willow Riparian Wetland Impact (0.07 ac)
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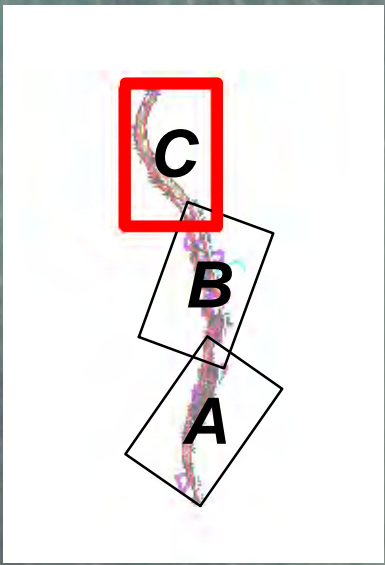
RSP at outlet

RSP at inlet

RSP-lined ditch

RSP at outlet

RSP at inlet



0 125 250 500 Feet

Prepared June 11, 2014

Draft Conceptual Plan for Arroyo de la Cruz Mitigation Site - Habitat Mapping

