

CALIFORNIA COASTAL COMMISSION

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TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Charles Lester, Central Coast District Manager
Elizabeth A. Fuchs, AICP, Manager, Land Use Unit

RE: ***Report on the San Luis Obispo County LCP Periodic Review***

This is a status report update on the progress and direction of the Commission's Periodic Review of the implementation of the San Luis Obispo County Certified Local Coastal Program pursuant to Section 30519.5 of the Coastal Act.

Background

On December 9, 1998, the Commission adopted priorities for the Periodic Review and update of certified LCPs and designated San Luis Obispo (SLO) County as its top priority for review. Several steps were taken to initiate this review:

Funding provided to the Commission's Regional Cumulative Assessment Project (ReCAP) through the CZMA Section 309 Enhancement Grants program was designated for the review of the SLO LCP. In addition, as part of the Governor's FY 98/99 state budget, a position was allocated in the Central Coast District to work on the Periodic Review. And, in November, 1999, the Commission awarded San Luis Obispo County an \$80,000 Local Planning Assistance Grant to enable the county to actively participate in the Periodic Review.

Project Startup and Public Participation

Following Commission public hearing and initiation of the review in December 1999, the periodic review project was presented to the County Board of Supervisors on January 25, 2000. As called for in the Commission and County's work programs, a public participation effort was begun:

- With the assistance of the county staff, a series of three public workshops were conducted in the County February 8-11, 2000, to obtain input on issues that the public believe are important for the Commission to evaluate in the periodic review. Written forms were provided for mail in comments.
- Commission staff is working on expanding use of the Commission's website to facilitate public involvement. A Periodic Review webpage is being developed where information, reports and data generated during the review will be available for review.
- And, an email address SLOReview@coastal.ca.gov is available for people to provide ongoing written comments and feedback as the review proceeds.

Summary of Issue Scoping

Three workshops were held in Cambria, Cayucos, and the South County, and were well attended by several hundred people. During the workshops the public was encouraged to identify issues that they believe are important for the Commission to evaluate in the review. County staff assisted the Commission in conducting the workshops and in noting the public comments. The transcriptions of all public comments taken during the workshops are being sent to the County staff for consideration in ongoing area plan updates and will be posted on the Commission Periodic Review webpage in the near future. The Commission staff reviewed the comments from all workshops, along with issues identified by Commission and County staffs. The range of issues and suggestions for priority topics raised for consideration in the review was then summarized into the list in **Attachment A**, which will provide guidance for the next research and analysis phase of the review.

Some of the **most frequent comments raised during the public workshops** related to:

- the protection and provision of public access, including impacts from OHVs,
- protection of water quality and sensitive habitat;
- the amount, location and intensity of development;
- LCP permit procedures including, exemptions, exclusions and variances;
- protection of scenic resources of the county;
- issues related to power plants, including impacts of proposed expansion and thermal discharges.

Next Steps

Staff will now take this input as well as information on issues raised by the Commission from actions on permits, appeals and LCP amendments to guide identification of specific issues and implementation problems to evaluate in the review. The review will address all the major policy groups in the Coastal Act. As analysis and evaluation continues, and as draft information is available, the staff will make it available for county staff and public review and comment through the website and other public outreach efforts. The proposed work plan and schedule proposes a draft evaluation report available for review by the county and public in late summer. It is hoped an additional public workshop will be scheduled following completion of the draft report with public hearings before the Commission later this year.

Attachment A: Summary of Issue Scoping

Attachment B: Letter to County of San Luis Obispo

Summary of Issue Scoping: Attachment A

In addition to the public comments following, staff asked participants in the workshops to informally select what issues they believed were most important to review and were asked to vote twice; in addition, forms were available for the public to mail in comments ranking issues. Mail in forms ranked issues 1-10 and counts of #1 and #2 ranking are reported. The comments received at the workshops and this informal tally is not a statistically valid random sample and is by no means a formal, complete representation of priorities. It is one piece of information which staff can use to gain insight into the issues. The following tallies were noted:

Topic	Cambria Workshop	Cayucos Workshop	South County Workshop	Mail-In forms	Total Tally
Maximizing Access and Visitor-Serving Recreation	9	1	14 <i>(Combined with ESHA /dunes)</i>	6	30
Protecting Environmentally Sensitive Habitats and Wetlands	19	15		18	52
Preserving Agricultural lands and Scenic Resources	7	11	1	9	28
Providing for Appropriate Coastal Industrial and Energy Development	1	10	2	5	18
Maintaining and Enhancing Water Quality		20	3	13	36
Planning for New Development and Assuring Adequate Public Facilities	22	6	4	0	32
Support Commercial Fishing and Recreational Boating	1	0	2	1	4
Protecting Archaeological Resources	2	0	0	2	4
Enhancing LCP Procedures and Public participation	8	11	8	6	33
Avoiding Coastal and Shoreline Hazards	7	1	1	0	9

Public Access and Visitor-Serving Recreation

- Lack of adequate public access due to loss of existing accessways, lack of maintenance and signing, and inadequate distribution of recreational opportunities.
- Conflicts with vehicles on beach, including public safety, habitat protection, and conflicts between types of access.
- Conflicts between providing public access/recreation and protecting habitat, particularly at Piedras Blancas, Morro Bay, and Montana de Oro.
- Conflicts between levels of development of public access facilities and maintenance of natural undisturbed character of the land, including potential development of East-West Ranch.

- Impacts on safe public access and recreation from shoreline armoring.
- Maximizing appropriate recreational opportunities (jet ski ban, windsurfing, kayaking).
- Commitment of public pier to private use at Avila Pier.

Commercial Fishing and Recreational Boating

- Provision and maintenance of boating facilities, including at San Simeon Harbor, Morro Bay State Park, and availability of kayak haul out sites.
- Conflicts between boating/fishing and habitat protection, especially with regard to eelgrass, brants, depleted fish stocks, and overall water quality concerns.

New Development

General Resources

- Consideration of public works resource availability (sewer, roads, school, and especially water) for any new development/build-out (i.e. higher level or review on new development).
- Infrastructure ability to support current and proposed growth at full occupancy of all vacation rentals.
- Resource preservation v. development profits.
- Consider environmental “carrying capacity” when reviewing new development.
- Expand TDC program to retire lots.

Water

- LCP acknowledgement of water deficiencies and water storage in natural settings. (Recognition that water will always be a concern on the Central Coast, plan for development accordingly.)
- Over allocation of water resources through projects approved by the County, community services districts, and Coastal Commission (esp. Cambria and Los Osos). Examine the adequacy of water supply to accommodate expansion of new development.
- Overdraft of coastal creeks (e.g. Los Osos creek).
- Adequacy of water retrofit program’s mitigation to justify continued new development.
- Balance of long-term water supply and maintenance of environmental quality.
- Coordination/integration with community services districts water study coming in March/April.
- Determination of adequate water supply. More information on quantity of groundwater.
- Coordination of agencies involved in water supply and distribution to avoid crisis management. Possible unified Watershed Management District?

Sewer/Drainage

- Adequate sewer capacity to serve subdivision on Beachcomber (T 2129)
- Area wide assessment for sewer needs and potentiality.
- Consideration of cumulative drainage impacts from new development.
- Definitive results of Pismo sewer study.
- Effects of non-coastal zone sewage systems on coastal zone (e.g. Los Robles del Mar effect on Pismo Marsh).

Roads

- Road capacity/traffic congestion (Cayucos, Cambria village square, north of Cambria).
- Public input on road expansion.
- Adequate road infrastructure (e.g., street paving, signs).
- Road capacity for emergency access (East/West Ranch, west side Cambria, Avila).
- Consider location/relocation of transportation corridors off low lands away from water frontage.

North Coast

- Adequate location/intensity for proposed Hearst development (incl. west side of Highway 1).
- Traffic impacts of Hearst Castle/proposed development.
- Adequate water resources for development.

Schools

- Consider urban reserve line/community services districts flexibility in siting new schools.
- Design and location of schools for enhancement of learning environment with close ties to the natural environment.

Lot/House Size/New Development

- Examine the intensity of development: size limits on homes (height and square footage), especially on small and sloping lots. Effects on management of resources (fire, water, trees, chaparral) and viewshed.
- Appropriateness of “gated” communities.
- Effectiveness of standards for small scale communities in maintaining community character in Cayucos and Cambria. Standardization of design guidelines vs. more flexibility.
- Building standards for fire safety.
- Examine cumulative effects of single family residence development on slopes re: drainage, grading, landslides, etc.
- Equal consideration for private development on east side of Highway 1.
- Impacts of Harbor Terrace development on environment, safe evacuation.

- Revamping county building codes to plan for slow growth, eliminate duplication and standardize lesser projects/single family development, more focus on multiple dwellings tracts, and commercial development.
- Appropriateness of development on shorelines, bluff tops, dune periphery, sand spit & southern part of Morro Bay (Baywood, Los Osos, Cuesta). Adequacy of setbacks, particularly in Morro Bay.
- Appropriateness of non-water dependent commercial development and motorized activities on waterfront.
- Appropriateness of Gragg Canyon project: impacts to traffic, coastal access, etc.
- Appropriateness of land annexations by Pismo Beach, changes of land use.

Current Designations

- Adequacy of urban services lines for school siting. More flexibility with urban boundaries.
- Consideration of development outside coastal zone whose effects are inside the coastal zone.
- Community input on land use designation (i.e. Table O).
- Conflict between overlap of urban reserve lines/services lines and ESHAs.
- Arbitrary coastal zone boundary. Buffer zone outside coastal boundary for regulatory review to minimize impacts of specific development or extension to natural boundary (e.g. watershed) via legislation.
- Effectiveness of several boundaries (urban reserve line, urban services line, community services districts, etc.) and possible consolidation.
- Use of lots outside urban reserve line (e.g. Morro Strand Lot).
- Expansion of Resource Management System to include fire suppression, law enforcement and health and human services.
- Expansion of RMS to include on-going data gathering and analysis that will provide current and accurate information relative to the resources in question.
- Expansion of Chapter 2, Project Description/NCAP to include the four reduced growth alternatives for Cambria included in draft NCAP update (5/97).

Greenbelt/Land Retirement

- Expansion (less restrictive, greater use) of TDC program to retire lots. Inclusion in LCP with tax benefits. (Reduces water demand).
- Regional green belt feasibility.
- LCP policies supporting local greenbelt initiatives (Los Osos, city of Morro Bay).
- Policies preserving large perimeter properties (E/W Ranch, CT Ranch) and bay front properties important to community as buffering to development.

Archaeology

- Adequacy of Phase I archaeology: lack of respect for, and loss of resources v. onerous costs and lack of flexibility in regulations. Effectiveness of capping policy.
- Consistency of policies for evaluating archeological resources. Reviews performed and unbiased?
- Adequacy of identification, definition, and public education of Archaeological Resources.
- Standards for developing archaeological sites (e.g. liaison with Chumash). What response is made to Chumash complaints about disturbance of a site?
- Over abundance of sites.
- Money for purchasing archaeological sites.
- Prioritize of archaeological resources with public surveys.
- Coastal Commission's role in protecting archeological resource sites at Morro Bay power plant (Duke Energy).

Agriculture

- Addressing non-point source pollution from agricultural practices and the effect on water quality and streams, including pollution from fertilizers and pesticides, erosion, and sedimentation.
- Adequacy of scientific basis for the regulation of agriculture.
- Direct and indirect effect on agriculture from exempt activities, including construction of agricultural roads, grazing activities, and types of development on agricultural lands.
- Protection of prime agricultural lands from development, particularly in Los Osos, Chorro Valley, and Hollister Peak.
- Loss of agricultural lands through conversion to commercial uses (including winery tasting rooms, B&Bs, weddings), the TDR program, and fiscal factors (including increased taxes due to rezoning of land adjacent to agricultural land and inheritance taxes).
- Potential loss of agricultural land through rezoning by the County by annexation of the City of SLO, due in part to the definition of agricultural viability.
- Impacts from the creation of new building sites through lot line adjustments and certificates of compliance for antiquated subdivisions.
- Maintaining the economic viability of agriculture through minimum parcel sizes.
- Evaluation of the conflicts between agriculture and habitat: loss of habitat due to the vineyards, loss of oaks due to fungus from overwatering; encroachment of agriculture onto habitat; loss of agricultural lands from wetland restoration projects.
- Balancing use of water resources between agriculture and urban uses and potential for establishing water management districts.

- Effects on agriculture from development outside the coastal zone, including the east side of Highway 1 in the North Coast.
- Effect of grape growing on environment: increase in water use, change in habitat, affects on water quality and erosion potential, and impacts from mono-cropping.
- Effectiveness of Williamson Act.
- Role and design of urban services line and potential greenbelts in protecting agriculture resources.
- Policies for soil protection with new development.

Scenic Resources

- Effectiveness of height restrictions, setbacks, and other standards, and the effect of variances, exemptions, and enforcement of standards in protecting ocean views, particularly along Moonstone Beach, Pismo Beach, Los Osos Valley.
- Effectiveness of standards in protection of hillside views, including the scale of development relative to lot size, effectiveness of height limitations, grading of hillsides and ridge tops, subdivisions of hillsides, and incremental loss of the Cambria Pine Forest.
- Effect of landscaping requirements on views, particularly along Moonstone Beach.
- Clarity of design guidelines to assist property owners in the review process.
- Effect on scenic resources from creation of new lots.
- Effect on scenic resources from seawalls, Caltrans medians in South County, billboards in North County, and R.Vs.
- Protection of Morros corridor, Shark Inlet, Hollister Peak, Hearst area.
- Protection of scenic resources by understanding the connection to agricultural resources, including the protection of *low-intensity* agricultural uses (i.e. grazing) and the effect of agricultural wind machines on scenic resources.
- Priority between development and scenic resources.
- Effectiveness of undergrounding of phone lines in Cayucos on scenic resources.

ESHA

- Address Snowy plover habitat issues in areas including San Simeon Bay, Morro Bay
- Address Steelhead issues in streams including Arroyo De La Cruz
- Comprehensively consider environmental constraints earlier in the process
- Update maps of sensitive habitat areas and list of sensitive species

- Acknowledge that elephant seal populations are expanding, and consider how this and the southerly migration of sea otters may be affecting other marine species and habitats
- Ensure that the LCP effectively protects sensitive habitats such as Fern Canyon, Marine Terraces, and habitats of the Red legged frog
- Adequacy of set backs from creeks and habitats to protect habitat values and avoid erosion & siltation (e.g., along Santa Rosa Creek)
- Need better follow-up and monitoring of mitigation, restoration, and other conditions of development approval
- Need clearer, and more specific definition of Sensitive Resource Area
- Establish an appropriate balance between growth & resource protection
- Need better protection of wetlands, vernal pools & estuary areas
- Need for pine forest management plan, including a program for the removal and disposal of diseased trees, reforestation with disease resistant trees, understory management, coordination with California Department of Forestry and the community services districts, the provision of information about pitch canker disease transmission, and better regulation of tree removal
- Ensure that construction practices protect habitat
- Ban chemicals with adverse impacts on wildlife
- Address habitat protection needs by taking an ecosystem management approach (e.g., in the Los Osos dunes)
- Update LCP to include the potential for “Land Retirements” (e.g. East West Ranch)
- Evaluate impacts of water withdrawals on creek habitats
- Protect Coastal Dune Habitats which contains numerous listed & rare species
- Address impacts of fire clearance and habitat fragmentation
- Circulation Element needs to be examined for impacts to Sensitive Resources (e.g., in Los Osos at 3rd St. and South Bay Blvd)
- Disturbed Habitats should be rehabilitated (e.g., Nipomo Dunes)
- Fencing should be designed to allow habitat migration
- Potentially consider all beach areas ESHA

Water Quality

- Adequacy of policies to address sewer discharge, wastewater disposal, and runoff, including enforcement and monitoring.
- Address the potential for MTBE in streams and appropriate siting for gas stations (i.e., don't allow gas stations near water sources or wetland areas).
- Develop comprehensive erosion control plan and establish an erosion control fee)

- Reduced contaminated runoff from grading & agricultural practices
- Expanded Coastal jurisdiction/Sphere of influence to creek headwaters
- Provide greater buffer for creeks (e.g., for cattle grazing and new development)
- Establish greenbelts (e.g. around Los Osos & Morro Bay) to protect water quality
- Address cumulative drainage impacts of new development
- Require commercial projects to contain and manage all runoff generated by impervious surfaces
- Simplify regulatory process to facilitate installation of stream protection measures

Providing for Appropriate Coastal Industrial and Energy Development

- Adequacy of the LCP to address the impacts of, and compensate for, siting fiber optic cables in the County, including adequate public participation and consideration of fishing industry and onshore development.
- Addressing modifications to, and impacts from, existing and planned energy facilities development, including the Duke and Diablo Canyon Power Plants, and other onshore energy facilities, such as the Guadalupe dunes oil fields. Including impacts to sensitive habitat.
- Providing sites and area for growth in industrial activity, consistent with resource protection.
- Adequacy of policies to address resource and scenic impacts from Industrial and Energy Development, including power plants, other industrial facilities and industrial activities such as beach sand removal.
- Definition and Application of policies governing Coastal Dependent Industrial Development.
- Effects of the Expansion of Monterey Bay National Marine Sanctuary Designation.
- Implementation of LCP related to protecting onshore resources from offshore leases/offshore energy uses.
- Distribution of Facilities to minimize energy use.
- Adequacy of policies to address water quality impacts from Industrial and Energy Development, including impacts from Diablo Canyon power plant discharges..

Avoiding Coastal and Shoreline Hazards

Shoreline and Bluff Erosion

- Shoreline Management in existing developed areas: Minimizing impacts while affording adequate, rapid protection for existing development threatened by erosion. Adequacy of standards for resiting of older, existing structures when redeveloped. Rates of erosion over time and acceptance of risk.

- Shoreline Management of new development: Adequacy of setbacks to avoid shoreline protection for new development and managing shoreline erosion in infill situations.
- Maintenance and restoration of existing seawalls.
- LCP policies to avoid or mitigate the cumulative effects of seawall development
- Adequacy of geologic review. Consistency in Standards for development of seawalls
- Ability of LCP to address emergency response to shoreline erosion, including enforcement.
- Planning for, and responding to, sea level rise.
- Policies to control and manage bluff erosion, including control of inland runoff, use of mitigation fees, minimizing impermeable surfaces,
- Erosion on East West ranch

Seismic and Landslide Hazards

- Appropriate location and intensity of development in areas prone to liquefaction from seismic events, including Los Osos and along shore areas.
- Adequacy of grading policies to address landslide risks in Cayucos and enforcement of grading policies.
- Intensity of development on steep slopes
- Adequacy of geologic engineering studies and site evaluations, to address development on steep slopes and earthquake hazards.

Fire Hazards

- Adequacy of siting and design standards, including setbacks, road access, and vegetation management to minimize fire hazards, (especially in Lodge Hill area), while avoiding or minimizing impacts to dune habitat, Monterey Pine Forest and chaparral resources.

Flood Hazards

- Avoiding and mitigating risks from flooding on creeks, including upstream management and regulation, streamlining permit processes and clarifying overlapping responsibilities.

Procedures

- Inadequate noticing and review of particular projects (e.g., road grading, Caltrans projects, weed abatement, pesticide application)
- Increase opportunities for public input sooner in process, rather than at end; provide referrals to Local Adv. Councils earlier in the process; make building plans/proposals more accessible for local review early in the process (e.g., make plans available for review in local communities)
- Resolve internal consistencies within the LCP

- Table O doesn't address adequately what is an allowed use; too much discretion for Planning Director
- Simplify LCP requirements so lay person can interpret; provide more clarity about what can be allowed; reduce discretion
- Prioritize resource evaluation/protection when implementing the LCP
- Clarify environmental review requirements (e.g., when an EIR, rather than a Negative Declaration, should be required)
- Implement Resource Management System
- Require evidence of adequate infrastructure before development is approved
- Need for more efficient/streamlined procedures (e.g., for appeal process); CCC needs to provide input earlier in local process
- Evaluate whether projects meet the intent of the LCP; provide for stricter implementation of LCP & Coastal Act
- Policies need to more specific; simplify & clarify intent
- Better enforcement! (grading, tree removal, allowed uses, transient occupancy, height limits; more enforcement staff; tougher penalties)
- Need for equality in planning process
- Better regulation of temporary uses
- Standardize design guidelines and provide flexibility regarding the color and design of houses
- List projects applied for on planning department web site
- Improved access to file information including for handicapped individuals
- Provide meeting notification on bottom of water bills
- Verify will-serve letters
- Minimize procedures/application requirements for smaller projects
- Consider limiting the number of times a project can be resubmitted
- Emergency permit process being abused
- More CCC meetings in San Luis Obispo County
- Minimize the use of exemptions and variance; track the number of such exceptions granted to each developer; prohibit exceptions for height and setback requirements
- Provide better notice of status of LCP updates and amendments, as well as continued permit items; provide public with ability to track the status of projects
- Use of newspapers and radio as noticing tool; however, avoid "legal" type notices
- Ensure that all interested parties and groups are included in mailing lists
- Provide press release to encourage articles that will inform public of upcoming hearings

- Allow for public comment, and provide better public information, via internet
- Consider use of e-mail as noticing tool
- Reduce political nature of decision making process
- Provide copies of staff reports regarding hearing items, prior to the hearing, to all agencies having jurisdiction in the area where the project is proposed
- More convenient meeting hours (e.g. 7:00 p.m.)
- Use “Frivolous Appeal” more broadly (screen appeals)
- Resource management system should be expanded to consider law enforcement, health & human services, and fire suppression
- More thorough consideration of alternatives (e.g., North Coast Update alternatives contained in “Hausrath” report)
- Make sure Coastal Commissioner from Central Coast gets appointed
- Need for procedures that require cumulative impact analysis
- Record televised local hearings and provide to Coastal Commission
- Coastal Commission should review LAFCO decisions
- Correct/update maps (e.g., OHVA area)
- Provide coastal outreach center in SLO
- Annual local meetings and public workshops w/CCC staff
- Require elected officials to read the Coastal Act