

CHAPTER 8: SCENIC AND VISUAL RESOURCES

A. POLICY FRAMEWORK

The Coastal Act requires protection of scenic and visual qualities of coastal areas as a resource of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas. Development must also minimize landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. In highly scenic areas, new development is required to be subordinate to its setting. The Coastal Act also requires that Highway One remain a scenic, two-lane road through the rural areas of the state. The Coastal Act also specifically protects the character of special coastal communities that may have unique characteristics or are popular visitor destination points (Sections 30251, 30253).

Following the Coastal Act, the primary goals of the San Luis Obispo LCP visual protection policies are to protect unique landscapes, restore visually degraded areas, site new development in such a way as to direct it out of public view corridors and minimize visual intrusions, minimize landform alterations and blend contours with natural terrain, preserve native vegetation, encourage the undergrounding of public utilities, limit the size and placement of commercial signs, prohibit development on sandy beaches and dunes, and limit development on bluff faces. The policies are variously implemented through standards, and the four Area Plans. The LCP also contains standards to address development in special communities such as Cayucos and Cambria. The Sensitive Resource Area (SRA) Combining Designation provides for additional review of proposed development when applied to highly scenic areas.

B. Background

The coastal viewsheds in San Luis Obispo County are dramatic and diverse. The scenic values of the County's coast cannot be overstated, from the almost aerial views of the ocean from the southern reaches of the Big Sur Coast, to the vivid working landscapes of the Hearst Ranch and the Chorro Valley, to the wind-sculpted sand dunes of Oso Flaco.

In recognition of the tremendous scenic value of the SLO coastal zone, Highway One from the Monterey County line to the City of San Luis Obispo is designated as a State Scenic Highway -- a special status given in September of 1999. Caltrans estimates that more than 3 million visitors travel this stretch of the coast each year for recreational purposes. Tourism, which is directly dependent on scenic qualities and distinctive community character, is an important sector of the County's economy, producing in excess of \$855 million in 1998.¹

Along with spectacular views, Highway One also provides the primary means of access to San Luis Obispo's distinctive coastal communities, including the incorporated cities of Morro Bay,

¹ California Trade and Commerce Agency, *Economic Impacts of Tourism by County, 1992-1998*.

Pismo Beach, and Grover Beach, and the smaller, unincorporated communities, such as Avila Beach, Cambria, San Simeon and Cayucos and Oceano. The unincorporated towns each have distinctive characters, and several are recognized in the LCP as Special Communities under the Coastal Act or as containing special Small Scale Neighborhoods.

Not all of the scenic areas covered by the LCP are visually accessible from Highway One, however. Montana de Oro State Park in Los Osos, East-West Ranch, Avila Beach and the Irish Hills, Oso Flaco Lake Preserve and the Oceano Dunes are examples of some of the more popular coastal recreation areas that are primarily accessible by public trails or rural roads.

Some highly scenic areas within the coastal zone have been placed in public ownership since the 1988 certification of the LCP and are thus protected from future development. San Carpoforo Ranch north of San Simeon, East-West Ranch in Cambria, Estero Bluffs near Cayucos, several parcels within the Morro Estuary Greenbelt, and the Guadalupe-Nipomo Mobil Coastal Preserve are notable examples of visually compelling properties that are now protected by public acquisition and/or conservation easements.

Area Plans

NORTH COAST

In this area, the public has tremendous views of the Santa Lucia Mountains to the east from Highway One. The northernmost portion of the planning area includes the Big Sur coast, ending at San Carpoforo Beach, the southern gateway to Big Sur. San Carpoforo Ranch marks the abrupt transition from the steep cliffs of Big Sur to the broad coastal plateau that characterizes much of the Hearst Ranch. Cattle grazing and occasional row crops are the predominant land use here, and the views from the beaches to the ridgetops are pristine and uninterrupted.

Around Cambria, the southernmost stand of native Monterey Pines still flourishes, adding a distinct visual landscape contrasting with surrounding grazing lands. These pines are some of the healthiest in the state where the population has been ravaged by pitch canker. The coastal waters and beaches of San Luis also contribute to the high scenic value of the County. Marine waters as far south as Santa Rosa Creek off the coast of Cambria are part of the Monterey National Marine Sanctuary.² In addition, in the past year President Clinton designated the offshore rocks of California as a National Monuments, including the sea stacks and distinctive geologic features of the San Luis Obispo coastline.

Cambria, San Simeon Village, San Simeon Acres and the tiny artist's colony of Harmony are the four communities in this planning area. All but Harmony have portions designated in the LCP as Special Communities because of their unique architecture, historic value and scenic visual resources.

² As discussed in Chapter 4, the high quality of habitat in the North Coast streams and beaches has allowed them to be included as critical habitat for the threatened red-legged frog, steelhead trout and western snowy plover.

The village of old San Simeon, 16 miles from the County line, features a cluster of traditional adobe buildings, a public fishing pier, a restored school house and other historic structures. The small-scale Spanish architecture structures are set well back from the road, and visually complement surrounding landforms and vegetation. The Sebastian Store, a State Historic Landmark built in the 1860s, is barely visible through the trees and accessible via San Simeon Road. The recently refurbished Pacific Schoolhouse, built in 1881, sits on a grassy knoll just east of the store. Signs directing the public to both the historical monument and W.R. Hearst Memorial State Beach picnic area are located adjacent to the village.

Between the village of Old San Simeon and the residential/tourist serving town of San Simeon Acres is an 8-mile stretch of open grazing lands and coastal terrace with continuous ocean and mountain views. San Simeon Acres is a resort-commercial and residential area between Old San Simeon Village and Cambria. For motorists driving south on Highway One from Big Sur, the viewshed through this stretch is dominated by motels, restaurants and retail shops. The backdrop of rolling hills and open grazing lands define the viewshed to the east, and the Pacific Ocean to the west.

The town of Cambria is situated along a two-mile stretch of Highway One, with commercial facilities on the east side of the highway, and residential development nestled well into the forested hillside to the west. This residential area is substantially more visible to motorists travelling north than south. Non conforming signs and poorly screened commercial service areas detract from the Highway One visual experience in this area.

The residents of Cambria have preserved many of the historic homes, including the Squibb House, the Hull House and the Old Santa Rosa Chapel. A current effort is underway to publicly purchase and restore the historic Bianchini house in the heart of the East Village. The County Planning Department and the North Coast Advisory Council have undertaken an effort to create a design plan for both the commercial and residential areas of Cambria, in order to provide streetscapes and a greater level of specificity for design features of new development.

ESTERO

Scenic and visual resources in the Chorro Valley include views of agricultural landscapes, mostly seasonal row crops and flowers. The most vivid and significant natural landforms in this area include the string of distinct granite hills known as the Morros: Morro Rock, Black Hill, Cerro Cabrillo, Hollister Peak, Cerro Romauldo, Chumash Peak, Bishop Peak, Cerro San Luis and Islay Hill. Hollister, Bishop and Morro Rock are the most visually prominent from Highway One. Their fissured granite walls and craggy outlines silhouetted against the sky are one of the most memorable sites along the entire route.

Visual intrusions from development have thus far been limited in this area. Significant new development is planned, though, for the agricultural fields around the base of Hollister Peak. Morro Rock, Black Hill, and portions of Cerro Cabrillo are within Morro Bay State Park and are thus protected as permanent open space.

The unincorporated communities of Cayucos and Los Osos and the city of Morro Bay are located in this planning area. Cayucos is a small town of about 2,500 residents, and urban development here has been relatively compact. Numerous two- and three-story homes on the steep hillsides to the east are extremely visible, and residential development likely will continue to degrade the scenic qualities there. But the commercial district and older residences on the west side of Cayucos are smaller scale and add to the unique community character of the town. An increase in the number of demolitions and replacement of older homes with substantially larger structures led the community to adopt Small Scale Design Neighborhood standards in 1995.

An important recent acquisition by California Department of Parks and Recreation was the 4-mile stretch of coastal wetlands, sandy beaches and open grasslands known as Estero Bluffs just upcoast of Cayucos, thus protecting views to and along this stretch in perpetuity. Recent removal of a partially completed single family structure and undergrounding of overhead utility lines in this area has further restored degraded views to and from the property.

The Estero Planning Area's scenic beauty is not confined to the Highway One corridor. Adjacent to the coastal community of Los Osos, Montana de Oro State Park contains the most concentrated inventory of visual resources in the Estero. While not visible from Highway One, the park itself provides 8,000 acres of pristine coastal terraces, wide sandy beaches, majestic cliffs, streams, canyons and countless vista points along the numerous hiking/equestrian and bicycle trails. Some residential development outside of the urban area of Los Osos has occurred along Pecho Road – the scenic entryway into the park.

SAN LUIS BAY

The San Luis Bay planning area has the least amount of public viewing opportunities, but also some of the greatest scenic resources. Montana de Oro ends at the Irish Hills, a little-known area of ranches and scattered residences with some of the most extensive stands of oak woodlands in the County. The active nearby ports of Morro Bay and Port San Luis, and to a lesser extent, San Simeon Cove, make this stretch of coastline a popular area for boaters. In this area, the Diablo Canyon power plant property commands some of the most spectacular, rugged, pristine coastline in the County. However, security and public health concerns have necessitated strict security measures that have limited public access to this area. Significantly, actions by the Regional Water Quality Control Board in October 2000 in conjunction with review of Diablo Canyon's thermal discharge to San Luis Bay has led to further protection of visual resources in this area through provision of conservation easements.

The majority of the population in this planning area lives in the incorporated cities of Arroyo Grande, Pismo Beach and Grover Beach. The towns of Avila Beach and Oceano are included in the LCP. Oceano is primarily a rural, agricultural residential community. Only about one-fifth of the community is located in the coastal zone, and the bulk of that is taken up by the County airport, a county park and Pismo State Park. The balance is industrial, commercial and multi-family, with some single-family dwelling. Coastal views within Oceano are predominantly enjoyed by local residents, as visitor-serving uses in this area are limited.

Avila Beach is currently in the process of rebuilding. The Avila Specific Plan, approved by the Commission in November 2000, seeks to maintain public views of the coast from the reconstructed town by limiting building heights and restricting commercial and residential development to the inland side of Front Street park at confluence of creek. Removal of the UNOCAL tank farm has restored an important inland degraded viewshed.

SOUTH COAST

The South Coast planning area contains the least amount of coastline of any of the area plans, but its scenic resources are no less important than the others. Most however, are not visible from highly traveled public roads, and are best appreciated from backroads, public trails or coastal waters. Its dominant visual feature is the 20,000 acre Guadalupe - Nipomo Dunes Complex, including the Guadalupe Nipomo Dunes National Wildlife Refuge, Pismo Dunes Natural Preserve, the Oceano Dunes State Vehicular Recreation Area, the Oso Flaco Lake Natural Area, Dune Lakes, Black Lake Canyon and the Santa Maria River mouth. Most of these areas are already in public ownership.

The Guadalupe Nipomo Dune complex, acquired and managed by the Nature Conservancy prior to transferring it to public ownership, is the largest, most ecologically diverse and most frequently visited dune area in the state of California. It hosts an unusual mix of dune, scrub, grassland and wetland natural communities, and it supports an unusually high number of listed plant and animal species, including western snowy plovers and least terns.

A walk along the Oso Flaco boardwalk offers views of vegetated dunes covered with a variety of native wildflowers in season. Wind-sculpted dunes towering 500 feet high in the Wildlife refuge are some of the tallest in the state. Distant views of productive agricultural farmlands create a scenic buffer between the natural area and the urban areas of Arroyo Grande and Oceano to the north and east. Although the dunes themselves are protected, there are a few large parcels still in private ownership immediately adjacent to the complex. The main threat to the overall integrity of the scenic resources in this area is potential development of agricultural lands outside the coastal zone.

C. Preliminary Implementation Issues

C.1. Protection of Scenic Viewsheds and Rural Landscapes

Overview: As discussed in the Background section, San Luis Obispo County has many significant scenic viewsheds and rural landscapes to be protected. Since certification of the LCP in 1988 public appreciation of these visual resources has grown considerably. As mentioned, Highway One from the Monterey County line to San Luis Obispo was designated as a State Scenic Highway in 1999. As discussed in Chapter 2 Development and Chapter 5 Agriculture, cumulative development patterns in rural areas have become evident since 1988 as well. These patterns have increased public awareness and concern about incremental erosion of scenic rural

landscapes, as residential and other development within public viewsheds has been approved. Based on the reported coastal permit activity by the County, between 1988 and 1998 more than 40 projects were approved in either the Estero or North Coast planning areas that raised visual impact concerns. Finally, new technologies and social trends such as the use of cellular phones and associated towers has brought new challenges to viewshed protection.

A great deal also has been learned about the importance of alternative site selection and maintaining mitigation screening for new development. A significant visual intrusion along the North Coast, for example, is the State Parks Visitor Center for Hearst Castle, which can be seen for miles as one makes their way north on Highway One from Cambria. While this facility is a major visitor-serving development in the coastal zone, its large buildings also present a distinct interruption on the rural grazing landscape of the North Coast. Since LCP certification, Commission and County experience with such facilities, or other development that cannot be sited out of public view, has highlighted the importance of initial alternative siting evaluations, development designs, and visual impact mitigation and monitoring.³

Increased rural development has also raised the spectre of increasingly cluttered views from public lands, particularly as recreation and public access activities have increased. Although emphasis has always been placed on protecting views west of Highway One and to the shoreline, rural development pressures along the Highway One corridor and elsewhere have also underscored the importance of protecting the significant viewsheds to east and inland of the Highway, including views from Highway 46. This is particularly true for places like San Luis Obispo County, which has highly scenic rural landscapes throughout the coastal zone. Indeed, some of the most spectacular views from Highway One pullouts are to the south, north, and east, not only to the west and the ocean. Acquisitions of public land also may have created new opportunities for public recreation and the need to protect viewsheds perhaps as yet under appreciated because of their previous inaccessibility. Finally, coupled with increasing recreation and boating activities in coastal waters, new and potential development along coastal ridgelines and in undeveloped rural areas has brought protection of public views from state waters to the fore.

LCP Implementation: The visual resource policies of the LCP require protection of major public view corridors, scenic vistas, unusual landforms, native vegetation and special communities. LCP Visual Policies 1, 2, 4 and 5 state:

Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

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

³ The original Visitor Center was approved by the Commission before certification of the SLO County LCP. Since certification, the County has approved a major expansion of the facility (the IMAX theatre) (see 3-SLO-93-030).

locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

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.

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 consistent grade and natural appearance.

Visual intrusions from new development, off-site signs, landform alteration, and overhead utilities are also regulated by the CZLUO. In general the standards are strong, and require the minimization of the visual impacts of development wherever feasible and possible. As discussed below, although the existing policies and ordinances of the LCP are, for the most part, adequate to implement the intent of the Coastal Act in most cases, there have been some cases where visual resources have not been adequately preserved, generally due to less-than-full application of the requirements in the initial siting and design phases, or incomplete implementation of LCP policies in the monitoring and compliance phases. There are at least four areas of concern for improving LCP implementation of the visual resource protection goals of the Coastal Act for scenic areas and rural landscapes.

Siting and Design of New Development to Protect Visual Resources: The LCP requires new development to be sited to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development should emphasize locations not visible from major public view corridors and utilize "pockets" to shield development and minimize visual intrusion. New development that cannot be sited outside of public view corridors is to be screened utilizing native vegetation. LCP policies also require structures to be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. When the County determines that development cannot feasibly be placed in an area outside of a public viewshed, mitigation measures to reduce visual impacts, such as vegetative screening, are generally recommended.

Along the coast the Coastal Act goal of siting and design of structures to minimize visual impacts can often conflict with an applicant's objective to maximize ocean views. It may also be difficult to site some structures out of the public viewshed, particularly on smaller, sometimes non-conforming parcels that may have little opportunity for screening behind existing natural landforms. As discussed in the Agriculture chapter, the LCP needs to be updated to allow for more comprehensive evaluation and policy approaches for addressing proposed development in rural agricultural landscapes. The County has recently had to address such situations north of

Cambria and near Piedras Blancas where residential development has been proposed. Currently, two appeals of approved residential projects are pending in front of the Commission.⁴

The North Coast and Estero planning areas are most at risk for losing scenic resources due to the cumulative impacts of new development. Nowhere is this threat so acutely felt as along the Harmony Coast between Cayucos and Cambria. Many of the parcels in this area are currently for sale and there are multiple underlying legal lots capable of supporting residential development. Several highly visible new roads have been graded in the area within the last few years, providing access to underlying parcels. Development of these parcels could have a dramatic effect on the visual integrity of the area (see Chapters 2 and 5 for more detail).

As mentioned, the Coastal Act and LCP policies protect public views to and along the coast, including views of the coast from state waters, which are public lands. In highly scenic, rural areas adjacent to both public roads and coastal waters, it may be difficult to permit new development without degrading views from one or the other. The cumulative impacts of new development on the Harmony Coast could potentially degrade both. For example, in the Morro Bay Limited case, in which the Commission approved, on appeal, eight residential lots along the ridgeline of the Harmony coast, the Commission grappled with the balance between allowing reasonable residential use, and protecting views from all public viewing areas. While the Commission conditioned the project to locate the building envelopes further away from the bluffs, and with strict scenic protection performance standards, the residential development that may result will need to be carefully designed to prevent impacts to public views from the ocean; the access road may be highly visible from Highway One.

A number of other projects have been approved by the Commission and by the County since LCP certification that underscore the importance of both siting evaluation and mitigation of impacts that can't be avoided through siting. In the Estero planning area, the Commission and the County have approved a public shooting range and various expansions of the facility on a 432-acre site in the scenic Highway One corridor between Morro Bay and San Luis Obispo. Over time, the facility has grown to become a significant adverse impact on this viewshed. In coastal development permit 4-87-13, the Commission approved the facility, proposed by the Department of Fish and Game, finding that "[t]he facility will be highly visible from the highway, but will not preclude any public views to the ocean." To protect the viewshed, the

⁴ One appeal is of a May 2000, Board of Supervisor's approval of a CDP and a variance from Planning Area Visibility Standards to allow construction of a 9,654 sf single family residence with a 600 sf guest house with a 480 sf detached garage and a 3,000 sf barn on a 78-acre parcel in the Rural Lands category located adjacent to Highway One in North Cambria. (A-3-SLO-00-118/D990019V). The applicant's agent requested the variance "to afford the owner a reasonable view of the ocean." Even with landscape screening and berming, much of the complex will still be visible from Highway One, San Simeon State Park and Moonstone Beach. At 3,000 feet in length, 30' high and 8' wide, the berms themselves could be considered visual intrusions due to their mass. Granting of variances for viewshed policies could undermine the intent of the policies, resulting in the cumulative degradation of public views. This, in turn, provides the basis for further variances, thus perpetuating the cycle. Roughly 10% of the actions reported to the Commission that were identified as raising scenic resource issues contained variances from viewshed protection policies, which could result development inconsistent with the Coastal Act.

Commission required landscaping to screen the facility. Unfortunately, as discussed below, the landscaping has not performed as well as expected.

Since approval of the initial shooting range facility, various expansions have been approved that have aggravated the original visual impact, allowed the construction of a clubhouse, outbuildings, care-takers' unit and concessionaire activity for a gun club/shooting range in the vicinity of the project originally approved by the Commission (see D910242D and 3-SLO-97-162). Like the original project, this project was in the Highway One viewshed and within the Agricultural land use category. The County staff analysis identified numerous appropriate building sites on site that would have minimized or even eliminated visual impacts, but the siting as proposed by the applicant was approved. The County also noted the original Commission approval of the shooting range facility that created the initial impact, and the findings observed how the project would not be inconsistent with the character of the immediate neighborhood because it would "be located among[st] the existing facility buildings and landscape, and will be screened with additional screening landscape." As recently as 1997, the County approved another expansion of the facility, again finding the project to be consistent with LCP policies because of its proximity to existing similar uses (3-SLO-97-162; see below for detail). This series of projects illustrates how important initial visual analyses and siting decisions (in this case, those of the Commission) are in setting the visual resource context for future project evaluations and long-run viewshed protection. As discussed below, though, it also illustrates how the LCP could be used to mitigate for past decisions, and to minimize the increase in impacts through expanded facilities.

Another example of visually intrusive development that might have been sited and/or designed to avoid viewshed impacts is an 8,200 sf, 2-story single family residence in Rural Lands land use category north of Cambria. (D940210P/ 3-SLO-97-147). Driving south on Highway One from San Simeon, a large, white house is clearly visible above the tree line to the east. This home is part of a larger compound including two guesthouses, a swimming pool, pool house, tennis court, gazebo and 3,000 sf barn. Although county staff worked with the applicant to reduce the size of the primary residence from 12,000 sf to 8,200 sf, this was not sufficient to eliminate its visibility from Highway One. No mention of alternative building sites was made in the staff report, although alternate access routes were discussed.

The approval of the road that would have required a culvert and fill material of a creek, and created a highly visible road cut up the face of the slope was appealable to the Commission. The potential impacts to ESHA resulting from wetland fill to construct the driveway made that portion of the project appealable, but the lack of any SRA combining designation or other basis for appeal under the Coastal Act over the actual building site precluded the Commission from considering most of the project *de novo*. Through the appeal process the Commission was able to work with applicant and the County to eliminate this intrusive road component by pursuing access from Cambria Pines Road to the east of the site; therefore the Commission found that the

project no longer raised a substantial issue. It was unfortunate, though that the Commission was not able to consider the entire project to address visual and other sensitive resource issues.⁵ This project illustrates a number of concerns. First, the project was not relocated out of the viewshed, or designed so that it would not be visible from public areas, both of which were probably feasible. Numerous other sites could have been selected, and a single-story residence would have been much less visible, if at all. Second, it points to the need to re-evaluate and expand the placement of SRA combining designations, and specifically the need to create a scenic SRA that would provide enhanced protection of visual resources. Evaluating land resources from a strictly scenic perspective, and applying a Scenic SRA accordingly would afford projects in these areas a higher level of review and a greater degree of protection based solely upon their scenic qualities.⁶ For staff seeking to draft conditions or make recommendations consistent with LCP policies, it may be helpful to specify precisely what scenic resources are being protected and the basis for the designation.⁷

Finally, protection of scenic landscapes requires that no new development potential be created that would impact sensitive views. Thus, it is important to not subdivide or allow lot-line adjustments that would create new sensitive viewshed parcels. For example, the Cabrillo Associates subdivision in Los Osos approved by the County in 1998 would have created 41 new residential lots (see Chapter 2 for detail). In addition to the other issues raised by this project, including impacts to ESHA and urban services concerns, these lots would be created in a highly scenic area, visible from many public viewing areas of the Morro Bay area. In the local review, the Planning Commission had approved an alternative that would have kept new residential development at a lower elevation on the hillside; however, the Board of Supervisors approved the alternative with increased impacts to visual resources. On appeal, the Commission denied the subdivision in June of 2000; the project is currently being reconsidered.

Condition Compliance: A number of projects that would otherwise be inconsistent with LCP scenic resource protection policies have been approved through the addition of extensive permit conditions designed to mitigate visual impacts. According to reported coastal development permits, at least 58 different approvals were conditioned to address the need for visual screening.

⁵ At the time of the appeal it was thought that the residential portion of the project was not within sensitive Monterey Pine forest habitat because it was not mapped as such on the LCP combining designation maps. Since that time, though, it has become apparent that the entire project site should probably have been treated as within ESHA, based on actual resources on the ground. This could have formed the basis for appeal jurisdiction under the SLO LCP. This problem is discussed in the ESHA chapter.

⁶ The County findings include the following statement: "The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the SRA designation." This suggests that the SRA is not serving the full purpose of resource protection as envisioned by the LCP currently, and that it should be strengthened.

⁷ Another project where visual impacts were created but perhaps not fully addressed is the expansion of the San Luis Bay Inn in Avila Beach (3-SLO-92-123). Although this project was a visitor-serving development, it also presents distinct impacts on scenic views at San Luis Bay. The hotel sits above Avila on the hillside and its pinkish façade dominates the public views to the north. The project was conditioned to be the same color as the existing structure and the parking structure was to be muted gray or brown. The project also received an exception to the standard height limits in the LCP.

Many other projects were conditioned to address structural design and color palates.⁸ In some cases, though, these mitigations have proven to be inadequate to protect visual resources, or have never been implemented as project conditions during or after construction. Vegetative screening and berming are the most common mitigation requirements for projects that staff determines cannot feasibly be relocated out of the viewshed. Monitoring and reporting designed to assure the effectiveness of such mitigation, though, appears to be done infrequently. Without such monitoring, there could be a steady intrusion of built structures into scenic viewsheds. In addition, these structures may themselves become the justification for additional development through findings of “compatibility with surrounding uses.”

For instance, the expansion of a large aquaculture facility was permitted in 1989 (5-SLO-89-099/D870182D) on the west side of Highway One, north of the town of Cayucos. Although some of the development was located out of viewshed due to natural topography, vegetative screening was required as a permit condition to minimize unavoidable visual impacts. Permit conditions required monitoring with a five-year review to assure compliance. The findings state that visual impacts will be screened from view by substantial landscaping. No record of any monitoring or follow-up reports have been found on file with the County, though, and views of the development, while distant, remain. Coincidentally, the Commission is currently considering a residential project on a parcel adjacent to the aquaculture facility that presents visual impact issues (Schneider A-3-SLO-00-040).

The shooting range permits discussed above also illustrate the importance of condition compliance and monitoring. The Commission’s original approval of a facility on the site was conditioned with a landscaping plan to screen the facility from Highway One. Similarly, the County’s permits for expansions of the facility included mitigation such as color selection and native tree plantings, with requirements to maintain the trees, submit annual reports to the County evaluating the status of the trees’ health for three years, and a requirement to replace all dead or unhealthy plants. Unfortunately, the majority of the trees have failed to thrive, no reports are currently on file, and it appears that the required conditions, beyond initial planting, have not been implemented. As a result, the modular buildings, road, parking area and residence are highly visible and quite intrusive upon the otherwise natural surroundings. Nor is it clear whether the Commission’s original screening condition is being met.

In the County’s 1997 approval of another expansion of the existing use, staff found the project to be consistent with LCP policies because of its proximity to existing similar uses and recommended approval with conditions. These included berming to shield the parking area and shooting bays, vegetating cut slopes and planting the berms with native plants to break up the structure of the berms themselves, and an approved landscape plan using native shrubs and trees, with ongoing monitoring and annual reporting by a qualified professional for a period of five years or until the County determines that the intent of the mitigation to screen the development has been satisfied. Although the staff report did not specifically address the lack of condition compliance of the previous phase of the development, it did note that the original project had not received County review, and had come under criticism for lack of adequate landscaping.

⁸ Many of these conditioned projects were for projects in urban areas like Cambria and Cayucos.

In terms of condition compliance for the recent expansions, though, the approved landscape plans show a mixture, density and placement of vegetation that does not appear to have been implemented on site. Planting has been sparse and inadequate to screen the development. Approximately half of the caged trees have died, and the remainder have failed to thrive and remain well below the two-foot height of the protective tubes. The applicant has not submitted any of the required annual reports to the County to date. The result is a highly visible landform alteration in a critical viewshed area that does not appear to be in compliance with Visual Resource Policies 2, 4, and 5.

Even if enforced, the conditions required for this development may not have been adequate to mitigate its visual impacts. But without condition compliance the project clearly lacks conformity with the LCP policies that were meant to be addressed. Similar to the Commission's experience with limited staff resources and condition compliance monitoring, County staff confirm that less than 10 percent of approved projects receive any formal follow-up review to assure condition compliance. Unfortunately, the lack of enforcement can create a lack of incentive among applicants to implement mitigation measures agreed to during the permit process.

Given the existing permit workload, the County lacks adequate staff in either the Planning or Enforcement divisions to adequately follow up on monitoring and mitigation conditions. As a result, mitigations required to create condition compliance may not be fully implemented, resulting in new, non-conforming development. Again, the Commission is well aware of the difficulties associated with lack of adequate staffing levels for monitoring and enforcement. But, without adequate monitoring and enforcement, compliance of projects with the objectives of the LCP and Coastal Act is not assured.

Nonconforming Uses: The shooting range project example above highlights issues related to the effect of existing non-conforming development on the review of new development, the implementation of LCP policies to eliminate non-conforming uses or bring them into conformance with the LCP, and the authorization of non-allowable uses.⁹

In particular, the Coastal Act and Visual Resource Policy 1 states that visually degraded areas should be restored where feasible. Although the initial approval of developments that have visual impacts is a critical step, such as the Commission's approval of the shooting range facility, the permit application stage for an expansion of use is also an appropriate time to address non-conformance of previously permitted development. Application of visual resource protection policies to the shooting range project might have assured that either the non-conforming shooting range use was not expanded or that it was brought into compliance prior to expansion. This site now supports seven individual shooting ranges, two pre-fabricated buildings and several support structures with associated landform alterations (roads, berms, cuts) based on an original development that would now be considered to be non-conforming.

⁹ The shooting range activity is most appropriately described as 'Outdoor Sports and Recreation' in Table O (Framework) which, along with indoor retail sales, is not an allowable use in the Agricultural land use category.

CZLUO Section 23.09.012 defines non-conforming uses and developments as:

A use of land established where such use is not identified as an allowed, special use or principally permitted use . . . by Table O . . .

A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this title relating to setback requirements, height limitations or sign requirements. . . .

A site that is developed and/or laid out in a manner that does not conform with standards of [the LCP ordinances] relating to site access location, parking and loading, landscaping, screening, fencing, signs . . .

Legal nonconforming uses are those that were legally established prior to certification, or as a result of an amendment to the LCP that caused the use to become non-conforming. The stated purpose of Chapter 9 of the CZLUO (23.09.010 et seq.) is to "control, improve or terminate uses that do not conform to the Land Use Ordinance." The best opportunity to eliminate a non-conforming use is in conjunction with a permit for expansion or additional new development. The LCP prohibits any expansion or change of non-conforming use unless additional alterations are made to bring the entire site into conformity. (Sections 23.09.026(a), 23.09.030(a)).

One of the most common visual intrusions in the coastal zone are legal, non-conforming highway signs, both off-site (billboards) and on-site. Billboards are difficult to eliminate as most are located on rural lands that have not undergone any change of use or been part of an application for new development. But on-site signs are occasionally ripe for bringing into conformance when the businesses they advertise expand or change. The LCP contains provisions to support the elimination of non-conforming use. The County needs to further clarify and improve existing standards. The current project description for the North Coast Area Plan Update proposes enhanced sign standards for San Simeon Acres.

For example, permit D960295 allowed the expansion of a gas station and mini-mart just off the intersection of Main Street and Highway One in the West Village of Cambria. A highly visible, 180 square foot, 62-foot high freeway sign was erected on the property prior to LCP certification. This is the only sign of its type in the area, and a significant non-conforming visual intrusion from the highway and the beach. In 1999, the owners received county approval for a 1,902 square foot retail/storage expansion, and the addition of a new use, an on-site car wash. Although the local advisory council recommended bringing the sign into compliance with the sign ordinance, the County only required that the sign be lowered to 42 feet in height and reduced in size to 140 square feet. Additional variances for setbacks were also approved.

On appeal the Commission evaluated the impact of the lowered albeit still nonconforming sign on views from the beach. Although the Commission found no substantial issue based on the minimal impact of the sign on views from the public beach, it also found that there was ambiguity created by competing ordinance 23.09.032, which states that the use of a legal nonconforming sign may be continued unless it is proposed to be expanded, moved or is

otherwise a public nuisance. While it appears that the LCP standards applicable to the expansion or alteration of a site with a nonconforming use are somewhat contradictory, the language requiring new development to trigger conformity of existing non-conforming uses in 23.09.030 is particularly strong, compared to the permissive language of 23.09.032. To ensure full LCP implementation, further clarification and improvement of the CZLUO standards may be needed.

Cellular Towers and Fiber-optic Cables: Emerging technologies that were not considered at the time the LCP was certified could have an impact on visual resources. The proliferation of cellular towers and on-shore fiber-optic cables have both short- and long-term visual impact implications. Between 1988 and 2000 at least six cellular projects were approved, including new towers at Ragged Point and near Harmony and Avila (see 4-SLO-90-357, 3-SLO-92-114, 3-SLO-95-012, 3-SLO-96-057, 3-SLO-97-181, 3-SLO-00-468). All of these permits raised visual resource protection issues. Cellular towers are permanent pole structures typically located at points where signals can be most efficiently received and relayed, such as ridgelines, bluff tops or open fields. In one case (4-SLO-90-357), the County required screening of the facility with cypress trees, and painting the facility a light tan color and light blue where any part of the structure would break the ridgeline. In another case, it was necessary to grant a variance to allow a 55 foot high structure in the Highway One viewshed near Harmony (3-SLO-92-114). The County adopted the following visual mitigation condition:

The applicant shall provide the following mitigations:

- a. The monopole and antennae shall be painted a light gray or light blue color. The proposed building shall be painted a light tan color.*
- b. An earthen berm shall be constructed on the northwest and northeast sides of the proposed building in order to screen the building from the sensitive viewsheds. The berm shape shall be freeform and shall avoid unnatural straight lines.*
- c. All disturbed areas including the berm shall be reseeded and managed to successfully establish vegetative cover.*

In a recent field visit it appeared that the monopole was actually painted white, and it presented a distinct visual impact from Highway One. In yet another case, high above Avila and Pirate's Cove, the County adopted even more specific visual impact mitigation conditions for paint color, vegetative screening, bonding to assure installation of the landscaping, and a minimum of five years of monitoring. Finally, in the most recent case, the County conditioned the project to require the allowance of future co-located facilities if feasible (3-SLO-00-468).

With growing public reliance on cellular phone service and internet access, the demand for associated infrastructure projects is expected to continue. The County is currently processing more than 100 applications for new cellular towers, at least five of which are in the coastal zone. The County has amended their inland ordinance to address the siting and appearance of cellular towers, designed to minimizing visual intrusions, and guide appropriate site selection. An LCP amendment to address this concern is currently being reviewed by the Commission. The staff is recommending that the amendment be modified to address visual impact concerns, including

avoidance of viewshed impacts, siting alternatives evaluation, co-location of facilities, and restoration of unused facilities (see SLO LCPA 2-99 staff report). The adoption of this amendment will specifically update the LCP with respect to this growing visual resource concern.

Finally, as noted in Chapter 10 (Energy), many other fiber-optic cables are also projected. Fiber-optic and other underground telecommunication cables can require trenching and occasionally road grading which may create significant, if temporary, visual impacts in rural areas. The WorldCom fiber-optic project, which landed at Montana de Oro State Park and involved some vegetation removal to allow construction, is highly visible from the sand spit at Morro Bay, creating a visual intrusion similar to a firebreak. As discussed in Chapter 10, improvements to existing policies could ensure future consolidation of such facilities and minimization, therefore, of potential visual impacts from these new facilities.

Consistency Analysis: As discussed earlier, the County's LCP policies might well be applied in such a way as to permit new development consistent with the Coastal Act. But the language of the LCP viewshed protection policies also gives the County more discretion to permit development that may be less protective of scenic resources than Coastal Act policies would allow. The LCP policy for siting new development, Policy 2, uses permissive language relating to siting in public view corridors. Policy 4 addresses new development in rural areas. Policy 2 provides:

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.

Policy 4 provides:

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.

Vegetative screening is the County's most common choice of view impact mitigation, and LCP policies allow for such screening when new development cannot be sited outside of the view corridor. Avoidance of impacts through site selection and design alternatives is the preferred method for preserving scenic views over mitigation through vegetation screening. Trees and shrubs take time to grow, are dependent on continued care and maintenance, can be removed at a later date and create view obstructions and unnatural vistas of their own. The failure of vegetation to adequately screen development, whether through inappropriate design or lack of adequate care, is a primary source of non-compliance with Coastal Act policies. Along some portions of the SLO coastline, there is very little naturally occurring major vegetation of size

large enough to screen even a one story dwelling. In these areas, the introduction of trees and large shrubs tends to call attention to the new development and also looks out of character with the natural landscape. Re-siting and re-designing are rarely prohibited by site or engineering constraints, and should be the first avenue for implementation of LCP policies.

To summarize, important public viewsheds have been degraded both prior to and in the 12 years since LCP certification, and may continue to suffer the cumulative impacts of new development without improvements in the LCP policies, ordinances and implementing actions. Inadequate regulatory control over siting and design of new development, over-dependence on vegetative screening to mitigate substantial visual impacts, lack of enforcement of permit conditions, missed opportunities to eliminate non-conforming uses, and a development in critical viewsheds are all contributing to an erosion of irreplaceable visual resources.

Preliminary Policy Alternatives:

There are a variety of issues and on-going challenges that need to be addressed to improve the LCP's protection of scenic viewsheds and rural landscapes. Significantly, the County has proposed a number of new policies in the Updates for both the North Coast and Estero Area Plans. Most important, the recent NCAP project description proposes a Critical Viewshed Designation and Policy for all of the rural North Coast except the urban nodes of San Simeon Acres and Cambria. This proposal incorporates much of the policy recommendation adopted by the Commission in 1998. Further specific review and consideration of the details of this policy will be needed to assure incorporation of an optimum critical viewshed policy into the LCP.

The County is also proposing enhance visual protections for the Estero Planning Area. The EAP proposes policies to protect the scenic vistas of the Morros, including standards for siting and design to minimize visual resource impacts and requirements for open space dedications to provide long-term view protection. In addition to this work in the EAP, a significant planning effort has been taking place to address long-run viewshed protection in the Morros Planning area. Among other things, this planning effort proposes addressing protection of natural landforms, addressing existing billboards and signs, and undergrounding utility lines.¹⁰

Alternative Policy recommendations to consider include:

Preliminary Recommendation 8.1: Enact Critical Viewshed Protection Policy

Given the discretion allowable under existing LCP policies relating to view protection, San Luis Obispo should adopt a strong, clearly articulated critical viewshed protection policy that precludes any new development visible from public viewing areas in those areas designated as critical viewsheds. As already proposed by the County, these areas should include all of the North Coast rural areas with exceptions for the urban nodes of San Simeon Acres and Cambria. Extending the viewshed protection policies makes sense from a regional planning standpoint, as

¹⁰*Draft Issues Paper for the Morros Planning Area*, prepared by the Morros Advisory Committee and Morros Technical Committee, May 21, 1999.

approximately 2 miles of the Big Sur coast is located in San Luis Obispo County. The undeveloped coastal terraces, rolling grasslands and distant mountain views from the Hearst Ranch are no less spectacular in their own right than the Big Sur coastline itself. Highway One is designated a State Scenic Highway through both jurisdictions, from State Route 68 in Monterey County to the San Luis Obispo City limits. The scenic Morro corridor should also be evaluated for enhanced viewshed protection.

Preliminary Recommendation 8.2: Create a Scenic SRA Combining Designation

San Luis Obispo does not have a Scenic SRA combining designation. While many highly scenic areas are already covered by an SRA overlay for other reasons, such as terrestrial habitat or wetlands, gaps in SRA overlays have resulted in project approvals that are inconsistent with both the LCP and the Coastal Act.

Although scenic resources are considered to be a basis for a Sensitive Resource Area by section 23.01.043 (c)(3)(iii) of the CZLUO, no specific ordinances are including in the LCP to implement this designation. Nor is a visual resource SRA specifically indicated on the combining designation maps of the LCP. In addition, text within the area plans does not always include the important scenic value of the visual resources found there. For instance, the Estero Plan, when discussing the volcanic Morro Peaks separating Los Osos and Chorro Valleys, states that the SRA overlay is to protect agricultural uses. In the South Coast Area Plan, the SRA combining designation overlay can be found on the greater Nipomo Dunes area, including Dunes Lakes, Santa Maria River mouth and Oso Flaco Preserve areas, but doesn't reference the scenic resources at these locations.

While the discussion of SRAs in Chapter 6 of the EAP describes their value as habitat for migratory waterfowl and rare and endangered plants, and recommends protections for recreational and biological reasons, once again no mention is made of their scenic values. Much of this is addressed through currently pending County Area Plan update proposals. In addition, County staff explain that they consider scenic resources to be included in the broad category of "special environmental qualities" referred to in Section 23.07.160 which describes the nature of the broad SRA overlay that currently does exist along much of the SLO coastal zone. But underscoring these values with an explicit Scenic SRA could strengthen staff's ability to condition and mitigate future projects more appropriately, and provide additional levels of review. All highly scenic areas in the Coastal Zone should be mapped and designated as Sensitive Coastal Resource Areas.

At the same time, it also should be noted that the County has made improvements to SRA designations to address scenic and visual resources inland of the Coastal Zone. Permit requirements include assessing visibility of the project, requiring a site visit as part of the application process and other standards on ridgetop development, slopes, rock outcroppings, building feature and landscaping. Creation of a coastal visual SRA could incorporate and expand upon these elements.

Preliminary Recommendation 8.3: Strengthen Enforcement Program and Condition Compliance Monitoring

In order to ensure that conditions that are required to achieve LCP consistency with visual resource protection policies are implemented, the County should increase monitoring and condition compliance efforts. The Planning Department should develop a project tracking system to assure that all approvals that include specific mitigation measures get assigned to a staff person responsible for their monitoring and enforcement, and coordinating with other affected departments. Enhanced coordination between the Commission and the County on condition compliance and enforcement issues would also improve implementation of the LCP and the Commission's on-going permitting responsibilities.

Preliminary Recommendation 8.4: Create a Funding Mechanism For An Open Space District

Because the most effective way to preserve visual resources is to purchase open space for public use, the County should consider creating a permanent source of funding for open space acquisitions. A 1/2 cent sales tax, bond initiative or creation of a county-wide or coastal zone open space district could provide millions of dollars annually for the purchase of property and retirement of development rights.

Preliminary Recommendation 8.5: Pursue National Scenic Byway Designation for Highway One in the Estero and North Coast Planning Areas

This recommendation is consistent with extending the Big Sur critical viewshed policies in Monterey County where Highway One is designated both as a State Scenic Highway and a National Scenic Byway. National recognition is not only well-deserved for this stretch of coastline, it would make it eligible for federal funding for enhancements and acquisitions along the route. As public ownership is the most effective way to protect the natural character of the coast, conservation acquisitions along this route should be a high priority for the County. This could be added as a program in both the Estero and North Coast Area Plans.

Preliminary Recommendation 8.6: Strengthen Public Viewshed Protection Policy Language

The LCP should be amended to clarify that scenic viewsheds need to be protected from all public viewing areas, including state coastal waters. This could be accomplished through additional language in existing LCP visual policies and ordinances. For example, amend Policy 2 as follows:

*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 **all** major public viewing areas, including state waters corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Amend Ordinance 23.04.021 (c)(6) as follows:

*New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from **any public viewing area, including state lands** ~~a public road~~ shall be prohibited . . .*

C.2.Preserving Community Character

Overview: As summarized earlier, the LCP and the Coastal Act seek to protect the character of unique coastal towns. Section 30253 states:

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

The Act includes "special communities or neighborhoods which are significant visitor serving destination areas" in the definition of "Sensitive coastal resource areas." (Section 30116)

Community character comprises many subjective elements best identified at the local level. The LCP seeks to preserve community character by requiring new development to be compatible with existing structures and natural features of the community. The SRA combining designations for these areas provide for additional review of new development proposals, and the design standards in the area plans place additional restrictions on building heights, mass and setbacks, and in some cases materials, colors and design features. The County is currently working with several communities to implement stand-alone Design Plans for several of these areas, to add a greater level of specificity to design standards and emphasize public spaces.

The CZLUO (23.11.030) defines Special Communities as areas and communities with unique, visually pleasing characteristics that serve as visitor destination points. Small-scale neighborhoods are defined as those that have primary use by residents and secondary use by the general public. Nine areas are designated in the LCP as Small Scale Neighborhoods or Special communities. They include:

- Avila Beach - Commercial and Recreation categories along Front Street
- Cambria - Commercial and Recreation categories along Main Street and Moonstone Beach Drive
- Cayucos - Commercial and Recreation categories along Ocean Avenue
- South Bay - Baywood Village Commercial area
- Port San Luis - Public Facilities category
- San Simeon Acres - RSF and RMF categories
- San Simeon Village - Commercial category

Small Scale Neighborhoods

- Baywood Peninsula - RSF within Tract 40
- Oceano - RSF and RMF west of Highway One
- Cayucos – Studio Drive and Pacific Avenue
- Cambria

LCP Policy 6 protects designated communities by requiring new development to be designed and sited to complement and be visually compatible with existing characteristics of the community. Both SC and SSN combining designations have special standards unique to those communities written into their respective area plans. These standards describe allowable or preferred architectural character, and limit density and gross structural area by setting maximum height levels and setback requirements. Some limit lighting, landscaping, color palettes and specific architectural details reflective of the individual history and visual nature of the areas.

LCP Implementation: In the urban areas of the coastal zone considerable progress has been made by the County in achieving community character and visual resource protection. In particular, the LCP contains a number of proposed programs that are intended to support community objectives in implementing the LCP. These are non-regulatory, voluntary actions undertaken by the community, the County and other public agencies to address local concerns. Some of them implement LCP and Coastal Act policies to restore visually degraded areas where feasible, and/or to add to the overall attractiveness of special communities (LCP Policy 6). The County has made an important effort to implement a number of these programs, especially in communities that actively support the goals of each program.

Oceano Urban Area Program

Perhaps the most dramatic program undertaken by the County to preserve and enhance community character is the Oceano Neighborhood Preservation Project. The San Luis Bay Area Plan includes Urban Area Programs for the town of Oceano, encouraging the County to work with property owners and community groups to improve the streetscapes, clean up residential neighborhoods and rehabilitate the central business district. In early 1999 the County planning department teamed up with citizen activists to plan the first phase of a grass roots, community-wide effort to address community improvement. Eventually the public/private team included public health officials, police and fire fighters, and elected officials who met weekly with community members and planning staff to organize committees, raise public awareness, raise funds and galvanize public support for a major overhaul of the town.

On two successive weekends in June, county staff and local volunteers turned out by the hundreds to take part in a massive community clean up effort. Volunteer crews removed 500 tons of scrap metal, 200 tons of household garbage and over 100 junked vehicles. The County contributed \$35,000 to the effort in tipping fees, including \$20,000 for disposal of hazardous waste. In-kind contributions and donations from community members and businesses covered the remainder of the costs.

Phase Two of the project, the Neighborhood Maintenance Program, is now under way. With additional code enforcement staff justified by the success of the program's first phase, staff now makes regular patrol rounds of the neighborhood, taking a pro-active role in code enforcement. County Code Enforcement staff report that their reports have jumped from an average of ten cases per year to over 100, indicating, in their opinion, that the residents' threshold for tolerating nuisances and infractions is much lower than before. More importantly, the town now has mandatory garbage pick up and recycling, an option that had been rejected in years past.

The third phase will address substandard housing and abandoned homes, their rehabilitation, removal and replacement. A Design Plan for Oceano, currently in the planning stage, will address preserving community character through design standards. The Oceano project is now being used as a model for similar programs in other communities, with a Los Osos project being planned for late spring 2001.

Taken together, this effort has effectively implemented the LCP program goal of assisting property owners in making needed improvements to their residences and places of business, and to establish improvement and development standards for future development.

Avila Specific Plan

The County has implemented a number of Urban Area Programs listed in the San Luis Bay Area Plan for the town of Avila Beach, which are designed to visually enhance the area pursuant to LCP and Coastal Act policies, including the adoption of a Central Business District Design Plan and a Front Street Enhancement Plan (collectively the Avila Specific Plan), and the removal of a visually intrusive storage tank facility. The Avila Specific Plan seeks to enhance the downtown commercial district and expand visitor services while retaining the integrity of residential neighborhoods.

The Commission reviewed the Avila Specific Plan in November 2000. The County planning department worked extensively with coastal staff, local residents and elected officials to submit a plan that provided very detailed standards for the rebuilding and redesign of the town of Avila. The Avila Specific Plan included a focused effort on the aesthetic enhancements to the downtown commercial core and pedestrian promenade. Enhancing visual appearances of coastal communities is being addressed in the numerous design plans discussed below.

Cambria Forest Management Plan

At the time of LCP certification, the greatest threat to Cambria's Monterey Pine Forest was encroaching urbanization. The North Coast Area Plan encouraged the County state and local entities to complete a study on forest preservation. With the recent spread of pine pitch canker, this important native forest is increasingly vulnerable and of statewide concern. Deforestation would have serious visual, as well as environmental consequences for the area.

The County created a Forest Management Committee, made up of local and regional stakeholders, to map strategies for drafting and implementing the plan. In 1998, the County officially transferred management of the committee to the Services District, which has been successful in obtaining funding and a consultant to draft the plan. County staff continue to participate as stakeholders. The North Coast Area Plan Update includes greater detail regarding forest management, and recommends the creation of a mitigation fund supported by permit fees for tree removal.

Design Plans

LCP policies relating to Special Communities and Small-Scale Neighborhoods seek to design and site new development within urban areas in such a way as to complement and be visually

compatible with existing structures, and be compatible with unique architectural historical style, or natural features that add to the overall attractiveness of the community.

As discussed in the community character section of this chapter, some communities have been critical of the County's implementation of existing design standards, believing that they are overly broad, vague, and difficult to quantify in a regulatory setting. The development of Design Plans is the County's attempt to provide greater specificity to the question of designing to protect community character.

Design plans are separate, stand-alone amendments to the General Plan that address planning and building standards in specific communities with greater detail than area plans, but are not as extensive as specific plans. They provide a variety of information, some of which is presented as mandatory standards but primarily they contain general guidelines on matters such as streetscapes, architectural styles, types and location of parking, signs, and community preferred uses. They do not ascribe specific uses for specific properties or change land use designations, but they do address issues of scale and preferred uses.

The County has adopted two inland design plans, and is currently in the planning process of six more, four of which are in the coastal zone. The recent popularity of these plans is attributed to local citizens' requests for greater levels of assurance regarding the type, scale and location of new development that would be allowed in their communities. The reason these standards are not simply amended into the existing area plan is that county staff indicates that communities prefer having a separate document unique to their town, and they are used as promotional tools to attract new business and residents. In addition, their stylized format lends itself more readily to a stand-alone plan.

Unlike specific plans, design plans do not address specific enforceable issues dealing with traffic circulation, zoning changes, allowable uses, density, polluted runoff controls etc. Generally speaking they are softer and more open to interpretation than specific plans, but enhance and embellish what is already in the land use element. Four design plans are currently being processed in the coastal zone, for the communities of Cambria, Los Osos, Cayucos and Oceano. None have yet been approved by the Commission, with the exception of the Avila Specific Plan which incorporated the Front Street Design Plan.

The County has submitted public review draft of the commercial section Cambria Design Plan for review and comment. Commission staff found many positive aspects to the plan, but noted areas that needed further consideration or analysis (See Appendix E for comment letter). Design plans, once adopted, become part of the LUE. Therefore, the County follows the same noticing and public hearing requirements as are required for an LCP update. In addition, County staff works with members of the community, generally a sub-committee of the community advisory council, to develop the plan and host public workshops.

Overhead Utility Undergrounding Project

LCP policies call for restoring degraded views where feasible, and undergrounding new utilities in public view corridors. The County Undergrounding Committee, comprised of county staff,

public members and utility representatives, meets monthly to oversee the conversion of overhead facilities pursuant to PUC Tariff Rule 20 A, a funding mechanism coordinated by the PUC for converting overhead facilities to underground throughout the state. The funds are paid by ratepayers, and set aside annually for distribution to agencies. Converting overhead facilities is extremely expensive, with some projects costing over \$1 million and requiring a year or more to complete. San Luis Obispo County receives approximately \$600,000 annually, and has completed 23 projects in 30 years, one of the highest completion rates in the state, according to the PUC.

To qualify for undergrounding, an area must meet one of three criteria. The area must either have (1) a high concentration of overhead facilities; or (2) be a heavily traveled area; or (3) have highly scenic or aesthetic qualities. Every few years the committee nominates properties or areas to be included in the priority list, and submits this list to the Board of Supervisors for approval. Although this is a countywide program, a high percentage of projects have been located in the coastal zone. The most recent project completed was the Estero Bluffs project in mid 2000. Other coastal sites that have been converted include, Avila Front Street, Highway One between Morro Bay and Cayucos, Pier Avenue in Oceano, Studio Drive in Cayucos, Cambria East Village and portions of West Village, Moonstone Beach Drive, Baywood Park and Los Osos Valley Road. The County has also partnered with the cities of Arroyo Grande and Morro Bay to support undergrounding efforts within those cities.

Unfortunately this highly successful project may be in jeopardy as a result of the deregulation of California's utility companies. The PUC is currently examining the program and will be taking public input on alternatives.

Reported Development Approvals

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development is intended to be designed and sited to complement and be visually compatible with existing characteristics of the community. The combining designations use both quantitative standards (maximum height, setback, etc.) and qualitative guidelines for the siting and design of new development. This has caused some projects to gain county approval based on quantitative standards, over the strong objections of residents who rely on the intent of the qualitative language.

A recent example of approved new development that complied with the area standards but did not achieve the objectives of Policy 6 is the Victorian Inn in the Cayucos commercial core. The location for this 16,820 sf 30-unit motel project with a managers unit and a parking garage carries a Special Community combining designation SRA overlay. This highly controversial project was heard twice by the Planning Commission and four times by the Board of Supervisors before it was appealed to the Commission by 24 individual citizens of Cayucos. (3-SLO-99-118 /D960038P). The Cayucos Citizens Advisory Council discussed the project at numerous public meetings from February 1998 through August 1999.

Even though it complied with the physical limitations of the standards, a substantial segment of the community felt strongly that the project as proposed was too massive for the site and out of

scale with the rest of the community. At the final Board hearing, the staff report recommended that the Board deny the project based on the failure of the project to satisfy Policy 6. However, the Board conditioned the project to require reductions in gross area, and approved the permit. On appeal the Commission further reduced the gross structural area, in response to continuing local concerns that the structure, the largest of its type in the town, would still be out of character with neighboring buildings (A-3-SLO-99-060).

The lengthy debate over this project partly illustrates the continued local ambivalence over the Small Scale Neighborhood Design Standards adopted in 1995. This began as an attempt to add specificity to Small Scale Neighborhood design standards in Cayucos, and actually resulted in the removal of the SSN combining designation for two previously designated neighborhoods. As originally certified, the Estero Plan listed two residential neighborhoods in Cayucos as Small Scale Neighborhoods (Pacific Ave. neighborhood and Studio Drive neighborhood).

Alarmed by the number of small, older beach cottages being razed and replaced with homes of much greater height and bulk, the Advisory Council undertook a community-wide planning effort to develop the Small Scale Design Standards. After much community debate, in April, 1995 the SLO Board of Supervisors approved new standards for the two Cayucos Small Scale Neighborhoods, re-classified the areas as Cayucos Small Scale *Design* Neighborhoods, and submitted an LCP amendment for certification reflecting the change. While the new standards quantified and standardized buildings within the geographical boundary of the SSN, the new labeling eliminated the Small Scale Neighborhood SRA combining designation and thus removed the appealability of projects in the area, except for those buildings within 300 feet of the ocean bluff. The LCP amendment also reduced the level of permit required from a minor use permit to a plot plan, for certain single family residences, reducing the level of public review. The Commission approved this LCP amendment (2-95) in October of 1995.

One result of this change that may not have been anticipated by the Commission and the County is that the public may receive less notice of new development. In addition the public now has no recourse to pursue appeals before the Commission except for those projects that fall within other areas of appeal jurisdiction (such as within 300 feet of the bluff edge). The full implications of this change were not realized by the community until residents appealed a single-family residence in the small scale design neighborhood which received variances for setback and gross structural area in excess of allowable limits by 60% (3-SLO-97-132/D970004P). The Commission staff determined that the project was no longer appealable, which left the appellants no recourse other than the courts, where the case remains today. More detailed review of how well the small-scale design designation in Cayucos is working is needed, and will be completed in the next phase of the Periodic Review.

As discussed above, in an attempt to gain a greater level of assurance regarding compatible new development within urban areas, many communities, including Cayucos, are currently in the process of preparing Design Plans, that further define visual standards with respect to specific neighborhoods and/or types of uses. These will eventually come to the Commission as LCP amendments. While community character is difficult to define, it may be beneficial to prepare specific plans for special communities such as Cayucos. Although drafting of such plans can be

protracted and difficult, in the long run greater specificity and regulatory assurance results in more realistic expectations on the part of both applicants and residents and reduces multiple re-designs and appeals.

Transfer of Development Credits

Although Lodge Hill in Cambria is not a neighborhood specifically designated as Small Scale Neighborhood in the LCP, it is nevertheless a unique community that would qualify as such. As discussed in Chapter 2, one of the greatest threats to its continued community character is the potential build out of many hundreds of small, antiquated but legal lots. At total theoretical buildout, Cambria would not only exceed its available resources and overwhelm its existing infrastructure, it would also destroy much of the scenic charm that has attracted the current population and the 3 million visitors who pass through the area every year.

In an effort to reduce the impact of small-lot development on resources in Cambria, the County adopted a Transfer of Development (TDC) ordinance in 1984 (23.04.440). A detailed discussion of the program can be found in Chapter 2. While the program has reduced by approximately 125 the number of buildable parcels on Lodge Hill, and helped to preserve the environmentally sensitive Fern Canyon area, the 79,000 square feet of additional development it has enabled may have had an unintended consequence on community character. The ordinance requires findings to be made that the 'receiver' site can accommodate the proposed scale and intensity of development without the need for a variance, exception to height limitations or modifications to parking standards. Yet a visual survey of many of the homes built on Lodge Hill and Marine Terrace, many of which were recipients of TDCs show that some of them virtually fill the lot and appear quite imposing in comparison to adjacent older homes.

Map 2-B shows that the pattern of TDC application is quite dispersed, but that there are some areas where larger homes may be building out in close proximity to each other. In addition, while forest resources are preserved on sender sites, the additional development permitted on the receiver site may result in the removal of considerable native vegetation. If one assumes the character of the community is small, eclectic, rustic homes on heavily wooded lots, or bungalow-style fisherman cottages, than the TDC program may be having a negative impact on Cambria's community character. One advantage to the pending Design Plan for Cambria is that it will allow for community participation and formulation of a better defined community character.

Harmony

In recent years various proposals have been put forth for new development in the town of Harmony. The most recent Project Description for the North Coast Area Plan anticipates minor expansions of tourist shops and attractions. It also contains a recommended change of 2.5 acres of agricultural land to commercial zoning. The Plan presents a new site planning and design standard for the town to assure that new development is compatible with the existing Harmony Valley Creamery. This includes emphasis on historic character, minimizing view impacts from Highway One, limiting structure and sign heights to 28 feet, and limiting new uses to small scale developments, including hotel, motel, bed and breakfast, general merchandise, eating and drinking places, single family dwellings and agriculturally-related uses.

As discussed in Chapter 2, one concern for the rural north coast is the appropriate location and intensity of new development and in particular, assuring that new development is environmentally sustainable. Any such redevelopment or expanded development in Harmony will need to be examined carefully with this Coastal Act concern in mind. In addition, given the special character of Harmony, the County should consider designating the town as a special community, subject to specific development standards.

Preliminary Policy Alternatives:

Preliminary Recommendation 8.7: Restore Small Scale Neighborhood SRA Designation to Cayucos

The County should consider reinstating its original SSN combining designation to provide additional standards and scrutiny for visual resources protection.

Preliminary Recommendation 8.8: Complete Specific Plans, Rather Than Design Plans

The effort to further define and describe area plan standards through the pursuit of design plans is commendable. However, design plans may not go far enough to address the problematic issues in coastal communities. Although specific plans, because they deal with zoning changes and specific uses, may be more controversial and time consuming to develop, ultimately they may result in fewer appeals and streamlined development approvals.

Preliminary Recommendation 8.9: Monitor and Evaluate Current TDC Program

Although the TDC program was originally intended to reduce build-out and preserve forest resources, its effect on community character should be thoroughly assessed through enhanced evaluation and monitoring of the program's impact on neighborhoods.

Preliminary Recommendation 8.10: Support Continued Undergrounding of Overhead Utilities

The County Undergrounding Committee should continue to receive strong support for their work, and the Coastal Commission should work with the PUC to ensure that this important program is retained. The committee should consider including the overhead utilities across and along Highway One through the Hearst Ranch on the next priority list submitted to the Board of Supervisors.

Preliminary Recommendation 8.11: Evaluate Designation of Harmony as a Special Community of Historic Importance

The County should evaluate the potential designation of Harmony as a Special Community of Historic Importance. This status should trigger heightened review of the type, intensity, and character of new development, to preserve the unique character of this town.