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PRELIMINARY ANALYSIS OF SOME PERIODIC REVIEW ISSUES AND RECOMMENDATIONS: PART II

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.
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VI. PUBLIC ACCESS & RECREATION

Coastal Act sections 30210- 30214 require that maximum public access opportunities be provided, consistent with public safety and the need to protect private property owners’ rights and natural resource areas from overuse. The Act further requires that development not interfere with the public’s right of access to the sea. The provision of public access, however, is to take into account whether or not adequate public access exists nearby, or if agriculture would be adversely affected. With regard to Local Coastal Program requirements, the Coastal Act provides that each LCP shall contain a specific public access component. Coastal Act Sections 30220 –30223 give priority to visitor-serving uses, especially along the immediate shoreline.

ISSUE PA-1: Short-term Rentals

Ensure that if the County wants to allow short-term rentals of residences, they are consistent with Coastal Act policies to provide additional visitor-serving uses and to protect special communities which are visitor destinations, as well as are consistent with other LCP provisions (e.g., with the definition of “dwelling.”)

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: While the County has an ordinance governing transient rentals outside of the coastal zone (Code Section 21.64.280), there is no corresponding ordinance in the LCP (Title 20 of the Code). The County proposed such an ordinance, but the ordinance was never acted on by the Coastal Commission due to internal inconsistencies that prevented it from being filed. The County wanted to allow short-term rentals in dwellings, but dwellings by definition cannot be rented in the short-term. Some type of short-term rental program would be desirable in the coastal zone to increase the supply of overnight accommodations, but is not mandatory given the presence of other overnight facilities. Also, the local coastal program currently allows Bed and Breakfasts in the coastal zone, which are a variant of short-term rentals that have specific requirements to protect the neighborhood and environment and to include resident management.¹</p> <p>To date the General Plan Update does not address this issue,</p>	<p>Summary: If the County wishes to allow short-term rentals of residences (throughout or in parts of the coastal zone), the various definitions of “dwelling” and “transient occupancy” must be revised to be internally consistent.</p>

¹ IP Section 20.06.110 defines Bed and Breakfast Facility as an establishment providing overnight accommodations and a morning meal by people who provide rental rooms in their homes. Bed and Breakfast regulations (IP Section 20.64.100.C.3) state that the property owner shall occupy and manage the bed and breakfast facility, no long-term rental of rooms shall be permitted, the maximum stay for guests is 29 consecutive days in any 30 day period, and no more than 60 days in a one year period. IP Chapters 20.08 through 20.20 conditionally allow Bed and Breakfast facilities in High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, Watershed and Scenic Conservation, and Moss Landing Commercial zoning districts.

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<p>although there are proposals by the Big Sur LUAC to include such a policy.²</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Coastal Implementation Plan Section 20.06.360 defines “ Dwelling ” as a structure or portion thereof designed for or occupied exclusively for non-transient residential purposes including one family and multiple family dwellings, but not including hotels, motels, boarding, or lodging houses or other transient occupancy dwellings.</p> <p>CIP Section 20.06.1310 defines “ Transient Occupancy ” to mean occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members and any commercial use of a structure or portion.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> If the County wants to formally allow short-term rentals in the coastal zone, this can be accomplished by developing and implementing an administrative permit or business license procedure that does not have to be part of the local coastal program. (Because transient occupancy of an existing residence is not defined as “ development ” that is regulated by a coastal development permit, such procedures would not have to be included in the local coastal program.) Such provisions should also contain suitable criteria for short-term rentals and may designate certain areas where they are allowed.</p> <p>If the County wants to allow transient rentals of “ dwellings ” in the coastal zone, it would require an amendment to the local coastal program to revise the existing definition of “ dwelling ” since it is currently defined as being exclusively for non-transient residential purposes.</p>
<p>ISSUE PA-2: Public Access in ESHA Ensure that ESHA protection does not totally preclude or limit public use/enjoyment of these areas so as to ensure that both Coastal Act ESHA and public access and recreation policies are applied.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The certified LCP contains policies that strike a balance between preserving and ensuring the functioning of environmentally sensitive habitat areas while allowing a</p>	<p>Summary: Retain existing policies for allowing access within habitats where the use does not conflict with resource protection and there is adequate mitigation.</p>

2 The Big Sur LUAC has recommended the following policy as a clarification and alternative to short-term rentals of homes, which it recommends against: “ Bed and Breakfasts - Bed and Breakfasts shall be defined as a visitor facility that is occupied and managed by the owner of the property on which the facility is located, and which does not exceed 5 guestrooms. There is no acreage per guestroom density requirement for Bed and Breakfasts. The number of guestrooms shall not be subject to increase (e.g., by use of TDCs, TDRs, etc.). Bed and Breakfasts shall be located within Rural Community Centers or Watershed and Scenic Conservation areas. The facility shall not be affiliated with hotels or motels operating anywhere in Monterey County. Bed and Breakfasts within Rural Community Centers shall be located on a parcel not less than 10 acres in size. Bed and Breakfasts located within Watershed and Scenic Conservation Areas shall be located on a parcel not less than 40 acres in size. Bed and Breakfasts shall demonstrate adequate parking, sewage treatment, and road capacity, and shall otherwise comply with all policies in this Plan. Bed and Breakfasts shall only be located where they have direct access to a public road, or, where they have use of a common driveway or private road that intersects a public road with permission from all owners of property served by the driveway or private road. Bed and breakfasts shall not be located where Sycamore Canyon Road or Palo Colorado Road is used for access. This Policy shall control over other standards in conflict herewith that are applicable to Bed and Breakfasts under this Plan or by County Ordinance.” Notwithstanding this last provision, if this policy is to be adopted, there will have to be a corresponding zoning revision to allow Bed And Breakfasts in the VSC zone, which is the one applied to Rural Community Centers.

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commensurate level of access. There are appropriate criteria for locating, designing, and managing accessways in a manner compatible with natural resource protection.

To date the General Plan update has some general policy language covering this topic, but not as comprehensive as the current LCP.

GENERAL PLAN UPDATE

GPU Policy C-11-34 states that public access in environmentally sensitive areas (e.g. haul-out sites, intertidal areas, roosting and rookeries) should be restricted to site specific access recommendations.

GPU Policy PS 10-12 limits recreation in sensitive habitat areas to passive, low intensity; dependent on the resource & compatible with long-term protection.

COASTAL LAND USE PLANS

No. County LUP:

No Co. Policy 2.3.2.7 allows limited access in sensitive habitat areas.

No Co LUP section 6.4.B. requires management plans before trails are open; including resource considerations.

No Co. Policy 6.4.F.1 requires studies to determine appropriate levels of access.

No Co. Policy 6.4.F.2.states that in locations where highly sensitive plant or wildlife habitats are found and conflicts between habitat protection and public access cannot be adequately resolved, access may be entirely inappropriate and should not be permitted.

No Co LUP policy 6.4.F.4 states that trails along river and stream corridors should be sited and designed to avoid impacts to riparian vegetation, wildlife, and water quality.

GENERAL PLAN UPDATE

If proposed GPU policy C-11.4 is to be adopted, replace “should be restricted” with “may.”

GPU Policy PS 10-12 may be adopted.

COASTAL LAND USE PLANS

(Note: each segment has a similar set of policies, but there are some redundancies that could be eliminated and some language that could be made consistent among segments).

Retain No Co. Policy 2.3.2.7.

Retain No Co LUP section 6.4.B.

Retain No Co. Policy 6.4.F.1.

No Co. Policy 6.4.F.2 may be retained (concept is implicit in other policies).

Retain No Co LUP policy 6.4.F.4

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<p>No Co LUP policy 6.4.F.8 requires access compatibility with resource protection.</p>	<p>Retain No Co LUP policy 6.4.F.8</p>
<p><u>DMF Land Use Plan</u> DMF LUP policy 9 allows some access in sensitive habitats where resources are not disrupted.</p>	<p>Retain DMF LUP policy 9</p>
<p>DMF LUP policy 25 allows some access in riparian corridors.</p>	<p>Retain DMF LUP policy 25</p>
<p>DMF LUP policy 131 limits existing access in habitat areas.</p>	<p>Retain DMF LUP policy 131</p>
<p>DMF LUP policy 132 discourages additional access in certain habitats; allows it only if managed.</p>	<p>Retain DMF LUP policy 132</p>
<p>DMF LUP policy 133 has access recommendations for Monterey Cypress area.</p>	<p>Retain DMF LUP policy 133.</p>
<p>DMF LUP policy 134 states that recreational access to environmentally sensitive marine habitats should be restricted, consistent with the site specific access recommendations for these areas.</p>	<p>Retain DMF LUP policy 134.</p>
<p>DMF LUP policy 135 states that plans to improve existing trails or create new trails shall ensure as a condition of approval that environmentally sensitive habitats are protected from over-use.</p>	<p>Retain DMF LUP policy 135</p>
<p>DMF Appendix B contains site-specific access recommendations, which address resource issues.</p>	<p>(Note: recommendations regarding site specific access may be forthcoming as a result of future evaluation of Del Monte Forest access.)</p>
<p><u>Carmel Area Land Use Plan</u> Carmel LUP policy 2.3.3.9 allows limited access in sensitive habitat areas; similar to No Co policy</p>	<p>Retain Carmel LUP policy 2.3.3.9</p>
<p>Carmel LUP policy 2.3.3.1 allows support for resource-dependent development in sensitive habitats.</p>	
<p>Carmel LUP policy 5.3.3.3.a requires studies to determine appropriate levels of access similar to No Co LUP.</p>	<p>Retain Carmel LUP policy 5.3.3.3.a</p>

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<p>Carmel LUP policy 5.3.3.3.b same as No Co. Policy 6.4.F.2</p> <p>Carmel LUP policies 5.3.3.3.c & d require compatibility of access with resource protection.</p> <p>Carmel LUP policy 5.3.3.7.a states that all plans to improve existing trails or create new ones should ensure that environmentally sensitive habitats are protected from overuse.</p> <p>Carmel LUP policy 5.3.3.7.b states that trails along stream corridors should be sited and designed to avoid disturbance to riparian vegetation and wildlife and degradation of water quality.</p> <p><u>Big Sur Land Use Plan</u> Big Sur LUP policy 3.3.2.1 allows development in habitat areas that is not a significant disruption.</p> <p>Big Sur LUP policy 3.3.2.5 allows limited public access in habitat areas: low intensity recreational, scientific, or educational; confined to designated trails</p> <p>Big Sur LUP policy 3.3.3.A.1 directs access away from dunes onto beaches;</p> <p>Big Sur LUP policy 3.3.3.A.5 requires siting trails to avoid impacts to riparian corridors.</p> <p>Big Sur LUP policy 3.3.3.A.6 allows recreational access to be restricted when necessary to protect habitat.</p> <p>Big Sur LUP policy 6.1.5.E.1 similar to Carmel policies 5.3.3.3.b</p> <p>Big Sur LUP policy 6.1.5.E.2 similar to Carmel policies 5.3.3.3.c.</p>	<p>Carmel LUP policy 5.3.3.3.b may be retained (concept is implicit in other policies).</p> <p>Retain Carmel LUP policies 5.3.3.3.c & d</p> <p>Retain Carmel LUP policy 5.3.3.7.a</p> <p>Retain Carmel LUP policy 5.3.3.7.b</p> <p>See Recommendations for Issue SH-4 Resource-dependent Uses In ESHA.</p> <p>Retain Big Sur LUP policy 3.3.2.5</p> <p>Retain Big Sur LUP policy 3.3.3.A.1</p> <p>Retain Big Sur LUP policy 3.3.3.A.5</p> <p>Retain Big Sur LUP policy 3.3.3.A.6</p> <p>Retain Big Sur LUP policies 6.1.5.E.1.</p> <p>Big Sur LUP policies 6.1.5.E.2 may be retained (concept is implicit in other policies).</p>
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<p>Big Sur LUP policies 6.1.4.3 & 6.1.4.6 call for directing access to appropriate locations so as not to damage resources.</p> <p>Big Sur LUP policies 6.1.5.B.3 & 4 also call for re-routing or alternative access.</p> <p>Big Sur LUP policies 6.1.5.C.9 states that plans for new trail locations and plans to intensify use of existing trails shall be submitted for review by the State Department of Fish and Game in order to assess the potential impact of such use on sensitive habitats.</p> <p>Big Sur LUP policy 6.1.6.1 requires management plans before trails are open; including resource considerations.</p> <p>Big Sur LUP policy 6.1.6.3 contains several measures for new or existing trails to protect sensitive habitats.</p>	<p>Retain Big Sur LUP policies 6.1.4.3 & 6.1.4.6</p> <p>Retain Big Sur LUP policies 6.1.5.B.3 & 4 and apply coastal zone wide.</p> <p>Retain Big Sur LUP policies 6.1.5.C.9 (See Recommendations for Issue SH-15 Public Agency Coordination.)</p> <p>Retain Big Sur LUP policy 6.1.6.1</p> <p>Retain Big Sur LUP policy 6.1.6.3</p>
<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p><u>North County Implementation Chapter</u> No Co IP Section 20.144.040.B.7 similar to LUP.</p> <p>No Co IP Section 20.144.150.A requires access management.</p> <p>No Co IP Section 20.144.150.E contains policies similar to land use plan policies.</p> <p>No Co IP Section 20.144.040.E2.c similar to Big Sur IP</p> <p><u>Del Monte Forest Implementation Chapter</u> DMF IP Section 20.147.130.A requires access management plans</p> <p>DMF IP Section 20.147.130.D.13 is same as policy 131.</p> <p>DMF IP Section 20.147.130.D.14 limits new access in certain habitat areas only if controlled and pursuant to biologic report.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> (Note: if the land use plan policies are edited and/or consolidated, then the IP provisions should be correspondingly revised.)</p> <p>Retain No Co IP Section 20.144.040.B.7</p> <p>Retain No Co IP Section 20.144.150.A</p> <p>Retain No Co IP Section 20.144.150.E provisions that correspond to cited land use plan provisions.</p> <p>Retain No Co IP Section 20.144.040.E2.c</p> <p>Retain DMF IP Section 20.147.130.A</p> <p>Retain DMF IP Section 20.147.130.D.13</p> <p>Retain DMF IP Section 20.147.130.D.14</p>

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<p>DMF IP Section 20.147.130.D.15 similar to DMF LUP policy 134</p> <p><u>Carmel Area Implementation Chapter</u> Carmel IP Section 20.146.130.A requires access management plans.</p> <p>Carmel IP Section 20.146.130.E5.d similar to Big Sur IP.</p> <p><u>Big Sur Implementation Chapter</u> Big Sur IP section 20.145.150.A requires access management plans</p> <p>Big Sur IP Section 20.145.150.E.3.c requires biologic surveys and mitigations for access in habitat areas; similar to Big Sur LUP policies 6.1.5.E.1, 6.1.6.3.</p>	<p>Retain DMF IP Section 20.147.130.D.15</p> <p>Retain Carmel IP Section 20.146.130.A</p> <p>Retain Carmel IP Section 20.146.130.E5.d</p> <p>Retain Big Sur IP section 20.145.150.A</p> <p>Retain Big Sur IP Section 20.145.150.E.3.c</p>
<p>ISSUE PA-3: Timeshare Conversion Ensure that there are the appropriate limits on permanent conversion of visitor-serving facilities to timeshares, so as to maintain adequate visitor-serving accommodations in the County.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The LCP does not directly address the issue of conversion to timeshares. Although the County passed an interim ordinance to prohibit time share conversions after the Highlands Inn permit, no permanent ordinance was ever passed. Given the limited supply of overnight accommodations available and allowed in Monterey County’s coastal zone, additional conversions would further adversely impact visitors.</p> <p>To date the General Plan Update does not address this issue.</p> <p><u>GENERAL PLAN UPDATE</u> GPU: no policies dealing with this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>All LUPs:</u> does not appear to be any policies dealing specifically with this issue.</p>	<p>Summary: Prohibit conversion of visitor-serving overnight accommodations to timeshare ownerships.</p> <p><u>GENERAL PLAN UPDATE</u> Add a policy to prohibit timeshare conversions.</p> <p><u>COASTAL LAND USE PLANS</u></p>

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<p>Big Sur LUP Policy 5.4.3(E)(11) precludes conversion of existing low-cost overnight accommodations to other uses, unless replaced with comparable facilities.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 20.64.110 governs timeshares.</p>	<p>Retain Big Sur LUP Policy 5.4.3(E)(11) to apply to conversions other than timeshares.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Add a provision to Section 20.64.110 that prohibits additional time share conversions.</p>
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ISSUE PA-4: Temporary Events
Ensure that the County has appropriate temporary events policies to address Coastal Act access concerns.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Special events provisions in the LCP apply only to large gatherings and even these do not adequately address protecting coastal access and coastal resources. For Del Monte Forest the LCP required a road agreement. This has been implemented by Pebble Beach Company’s 17-Mile Drive Public Use Agreement and Special Events Traffic Plan (approved October 27, 1987). These documents allow 17-Mile Drive to be closed to tourist traffic during certain major special events, to be managed for spectator arrival routing, and to direct parking to nine specific areas in the Forest. Road closure is not to be for more than 20 calendar days including not more than 10 weekend days annually. What is not clear in these documents is whether and how visitors to Pebble Beach who are not going to the special event in question are accommodated. This is now of more concern because during special events Pebble Beach Company has instituted remote parking outside of the Forest, shuttles into the Forest for the event, and closures of the entire Forest to visitor traffic.</p> <p>To date the General Plan Update has welcome policies that address traffic congestion aspects of temporary events, but not other potential impacts on visitors and beach users.</p> <p><u>GENERAL PLAN UPDATE</u> <u>General Plan Update</u> GPU C-3.19 states that the County shall ensure that major tourist events</p>	<p>Summary: Adopt policies and actions to coordinate special events so that they do not adversely impact coastal resources or the public’s ability to access and use public beaches and parks during such events.</p> <p><u>GENERAL PLAN UPDATE</u> If proposed GPU policies and actions to coordinate special events are to be adopted, revise to add criteria to ensure that the events do not</p>

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held within the County are scheduled in a manner that minimizes traffic congestion.

GPU Action C-3.u indicates that the Co should establish a Master Event Coordinator position within the County that reviews County Event Outlines, and works directly with coordinators of special events, meetings/conferences, festivals, trade shows, and fairs/expositions to plan these events so they do not conflict and create preventable traffic congestion.

adversely impact coastal resources or the public’s ability to access and use public beaches and parks.

Adopt the following definition and explanatory text:
 Temporary events are defined as an activity or use that constitutes development...and are activities or functions of limited duration that involve the placement of non-permanent structure(s) and/or involve exclusive use of a sandy beach, parkland, filled tidelands, water, streets, or parking areas which are otherwise open and available to the public for general use.
 Concerns regarding temporary events relate to the nature and frequency of such events, their impact on coastal resources and nearby neighborhoods, as well as the public’s ability to access and utilize public beaches and parks during such events. In addition to admission fees, other identified issues are the commercialization of such events, the cumulative impacts of multiple events on one weekend or consecutive weekends and the provision of public notices and opportunities for public participation at the local level.³

Adopt the following policies coastal zone wide:
 a. Temporary events shall minimize impacts to public access, recreation, and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) Held between Memorial Day and Labor Day; 2) occupy any portion of a public, sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse effects to public access and/or coastal resources.
 b. Temporary events shall be scheduled in a staggered manner throughout the summer months so as to not unduly limit unimpeded beach public access. Land-based temporary events shall be located 10 feet inland of the highest high tide, shall not block through lateral and vertical access for any substantial length of time, shall demarcate the temporary event

³ Sources: Guidelines the Exclusion of Temporary Events from Coastal Commission Permit Requirements Adopted 5/12/93; Temporary Events Workshop Memorandum 5/31/00

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<p><u>COASTAL LAND USE PLANS</u></p> <p><u>North County Land Use Plan</u> No policies deal with temporary events or special events.</p> <p><u>Del Monte Forest Land Use Plan</u> DMF LUP Policy 93.8 states that with regard to the Spanish Bay golf course... Accommodations for spectators shall be designed, located, and managed to avoid trampling of restored habitat areas, otherwise events which would attract spectators shall be precluded.</p> <p>DMF LUP Policy 96 states that Seventeen Mile Drive shall remain open to the public for recreational use...the Co shall require an agreement between the Co and the owner of the road system assuring public use of the road system in a manner consistent with the policies of this LUP, as a condition of approval of development of the Spanish Bay project or internal road improvements, whichever comes first.</p> <p><u>Carmel LUP</u> No policies deal with temporary events or special events.</p> <p><u>Big Sur LUP</u> No policies deal with temporary events or special events.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP section 20.64.150 addresses Special Events at County Parks, where attendance is expected to be more than 5,000 persons per day, defines them to include, but not be limited to, circuses, carnivals, fairs, festivals, exhibitions, concerts, shows, sporting and racing events, held in County Regional Park system and indicates they will all require a public hearing and special events permit issued by BOS.</p>	<p>area from the public area (e.g., by providing low fencing), and shall include signage informing the public of the temporary event, any fees associated with the event and available public access around the event. The operator of the temporary event shall restore the area to pre-event conditions within 48 hours of conclusion of the temporary event.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Update DMF LUP Policy 96 to require review and updating of the agreement periodically or in conjunction with additional road improvements or major development.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain in IP but also add criteria corresponding to above recommendation.</p> <p>Add to IP Section 20.06.310 that defined temporary events are “development” requiring coastal permits.</p>
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ISSUE PA-5: Malpas Creek Beach

Ensure that there are policies for this area of deferred certification consistent with Coastal Act access policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: There are no certified policies for the area around Malpas Creek Beach in the Carmel Area segment. This area was not certified because the County did not accept modifications to address public access issues identified at the time. Since then some offers to dedicate access easements have been obtained as development has occurred. For the beginning of the main vertical accessway along the Old Coast Road Trail, there is a right to pass deed restriction over one half and an offer to dedicate over the other half. There are also two other OTDs on adjacent parcels that may become superfluous in part when the easements for this accessway are perfected. Development has been setback from the bluff to protect views, access, native vegetation, and natural landforms. AP# 243-161-010, owned by Carmel Riviera Property Owners Association, comprises part of Malpas Creek and Beach and is undevelopable, except for some pathway improvements and utility line maintenance. Other policies in the Carmel Area Land Use Plan address visual and other resource protection, and would appropriately apply if this area becomes certified. However, there is lack of a bluff top setback policy that may apply. The Big Sur segment has policies for access to Malpas Beach consistent with the Coastal Act, but lacks the proper land use designation for the creek and beach areas.</p> <p>To date the General Plan Update does not specifically address this issue.</p> <p><u>GENERAL PLAN UPDATE</u> GPU policy ER-5.9 requires all development to be set back a minimum of 25 feet from bluff edge.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Carmel Land Use Plan</u></p>	<p>Summary: Adopt policies for Malpas Creek beach to ensure resource protection and public access in conformance with Coastal Act policies and Coastal Commission permit actions.</p> <p>Note: since this area is uncertified, the County will need to submit an amendment request to the Coastal Commission that its LCP be certified to cover Malpas Beach area parcels. This would mean that any LCP provision that would be applicable to Malpas Beach would then govern.</p> <p><u>GENERAL PLAN UPDATE</u> See Recommendation for Issue CH-2 Bluff-top Setbacks to adopt GPU policy ER-5.9 with revisions, that would then apply to vacant AP# 243-161-017.</p> <p><u>COASTAL LAND USE PLANS</u></p>

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<p>Five parcels near or fronting the shoreline just north of Malpasos Creek are in an uncertified area. Thus, the following is uncertified language: Carmel Area Section 5.2.6 last paragraph discussing Malpasos and Yankee Beaches states that in general, visual rather than physical access should be emphasized, and improvements should be limited to those affording blufftop and visual access...</p> <p>Carmel Area Land Use Plan Section 5.3.4 for Malpasos Creek Beach: Provisions/Acquisition [blank]</p> <p>Management:</p> <ul style="list-style-type: none"> -Manage for relatively low use intensities. -Maintain partial site use as a viewpoint-scenic area (by requiring substantial setbacks for development of remaining vacant lots). <p>Improvements: [blank]</p>	<p>Add to Carmel Area Section 5.2.6 last paragraph the following: improvements should be limited to those affording blufftop and visual access <u>and additional safety and resource protection on the paths to the beaches...</u>⁴</p> <p>Revise Carmel Area Land Use Plan Section 5.3.4 for Malpasos Creek Beach:</p> <p>Add the following to “Provision” category:</p> <ul style="list-style-type: none"> -provide for public use of Malpasos Creek Beach -perfect public pedestrian (vertical) access to beach from Yankee Point Drive (when easements or public rights are perfected over the existing path, the trail easement portion of the offer on AP# 243-161-021 may be terminated pursuant to Policy 5.3.2.2)⁵ <p>Add the following to “Management” category:</p> <ul style="list-style-type: none"> - maintain public parking at the trailhead <p>Add the following to “Improvements” category</p> <ul style="list-style-type: none"> - retain and permit maintenance/improvements to existing path from road to beach; - permit fences on properties above beach provided that they do not
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⁴ Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

⁵ Currently, three of the five parcels in the uncertified Malpasos Beach area (AP#s 243-161-018, 243-161-015, and 243-161-021) have been developed with single family dwellings, AP# 243-161-017 has been developed with landscaping and fence, and Carmel Riviera Property Owners Assn AP# 243-161-010 has a trail that accesses a water supply facility. Development on these parcels has been restricted to remain landward of the “line of sight” boundary between the south side of the Highway One Bridge and existing house on APN 243-161-021, with scenic easements required. However, the easement requirement for AP# 243-161-017 does not incorporate what will be a necessary blufftop setback requirement.

The Old Coast Road trail provides public access from Yankee Point Drive to Malpasos Creek and Beach. Through permits, a 5-foot wide easement offer on APN 243-161-015 and a 5-foot wide “right to pass” on the adjacent APN 243-161-017 were obtained. The offer still needs to be picked up by a public agency or non-profit organization. There is also an offer to dedicate a trail easement and additional 25x25 foot area on APN 243-161-021 that could be terminated if equivalent dedications are secured and opened to the public. Public access on the remainder of the trail to the beach and on the portion of the beach on AP# 243-161-010 may also need to be perfected.

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<p>Constraints/Restrict[ion]s: Sensitive habitat: riparian habitat along mouth of Malpasos Creek and small pocket beach. Discourage informal trails and heavy usage.</p> <p>Also, the Land Use Map designation is uncertified. The five parcels are shown as Low Density Residential. Most of the beach is shown as Resource Conservation: Wetland and Coastal Strand which allows low intensity recreation.</p> <p>Also Figure 3 as it applies to Malpasos Beach is uncertified. It is shown “Inappropriate for Beach Access.”</p> <p>The following policies are certified, but do not currently apply to this uncertified area: Carmel LUP Policy 2.2.3.9 states that landowners will be encouraged to donate scenic easements to an appropriate agency or nonprofit organization over portions of their land in the viewshed, or, where easements already exist, to continue this protection. Viewshed land protected by scenic easements required pursuant to Coastal Permits shall be permanently free of structural development unless specifically permitted at the time of granting the easement.</p> <p>Carmel LUP Policy 2.2.4.10.c states that structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in “earth” tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.</p> <p><u>Big Sur Land Use Plan</u> Big Sur Table 2 site specific recommendations for shoreline access for</p>	<p>interfere with the path to the beach or extend into the scenic blufftop setback area⁶</p> <p>Retain Constraints entries.</p> <p>Retain the Low Density Residential designation for bluff top parcels. Designate AP# 243-161-010 as Resource Conservation: Wetland and Coastal Strand.</p> <p>Prepare a detail map inset for Figure 3 Malpasos Beach showing trail and beach and deleting “Inappropriate for Beach Access” label.</p> <p>(Note: if the LCP is certified to cover the Malpasos Beach area, then Carmel LUP Policy 2.2.3.9 will apply to the area. Additional recommendations may be forthcoming as a result of future evaluation of easement requirements.) Adopt a specific policy for Malpasos Beach area to honor existing easement offers and requirements; to require development setbacks to follow line of sight and not intrude on any existing easements; and to retain the bluff setback area in native vegetation except for the trail.</p> <p>Retain Carmel LUP Policy 2.2.4.10.c (Note: if LCP is certified, then this policy will apply to development of AP# 243-161-017).</p> <p>Retain Big Sur Table 2 site-specific recommendations for shoreline</p>
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6 Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

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<p>Malpaso Beach: Secure offer of dedicated access; improve trail, parking.</p>	<p>access for Malpaso Beach and add: Manage for relatively low use intensities.</p>
<p>Big Sur Land Use Plan designation of beach is Rural Density Residential.</p>	<p>Redesignate Malpaso Beach as Resource Conservation: Wetland and Coastal Strand.</p>
<p><u>COASTAL IMPLEMENTATION PLAN</u> The Zoning designation is also uncertified. The five parcels are shown as Low Density Residential. A portion of the beach is shown as Resource Conservation.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Submit to the Coastal Commission for certification the Low Density Residential designation for bluff top parcels. Zone AP#s 243-161-010 & 243-331-005 as Resource Conservation.</p>
<p>ISSUE PA-6: Yankee Point Beach Ensure that there are policies for this area of deferred certification consistent with Coastal Act access policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: There are no certified policies for the area around Yankee Point Beach. This area was not certified because the County did not accept modifications to address allowing some level of public access beyond area residents, businesses and their guests. Currently the beach is accessible to these people over two trails with locked gates. Most of the beach appears to be on public trust land. Other policies in the Carmel Area Land Use Plan address visual and other resource protection, and would appropriately apply if this area becomes certified.</p> <p>To date the General Plan Update does not specifically address this issue.</p> <p><u>COASTAL LAND USE PLANS</u> Carmel Land Use Plan Area: six parcels near or fronting the shoreline south of Yankee Point are in an uncertified area.⁷ Thus, the following is uncertified language: Carmel Area Section 5.2.6 last paragraph discussing Malpaso and</p>	<p>Summary: Adopt policies for Yankee Point Beach to ensure resource protection and commensurate public access in conformance with Coastal Act Policies. Note: since this area is uncertified, the County will need to submit an amendment request to the Coastal Commission that its LCP be certified to cover Yankee Beach area parcels. This would mean that any LCP provision that would be applicable to Yankee Beach would then govern.</p> <p><u>COASTAL LAND USE PLANS</u> Add to Carmel Area Section 5.2.6 last paragraph: improvements should</p>

⁷ AP#s 243-141-005, 243-141-016, 243-141-017, 241-301-014, 241-301-015, and 241-301-018

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<p>Yankee Beaches states that in general, visual rather than physical access should be emphasized, and improvements should be limited to those affording blufftop and visual access...</p> <p>Carmel Area Land Use Plan Section 5.3.4 for Carmel Highlands –Riviera (remaining shoreline) [includes Yankee Beach] Provisions/Acquisition [blank]</p> <p>Management:</p> <ul style="list-style-type: none"> -Manage for visual access. -Manage for relatively low use intensities. -Maintain existing visual and lateral access (pedestrian and bicycle) along Highway #1 and Spindrifft and Yankee Point roads. -Maintain and permit improvements to bluff top overlooks at Highlands Inn, north of Wildcat Creek and Spindrifft Road. -Maintain existing provisions for public access to Yankee Beach (access available to local residents and their guests and to visitors to Behavioral Sciences Institute, Highlands Inn, and Tickle Pine [<i>sic</i> Pink] Inn). <p>Improvements:</p> <ul style="list-style-type: none"> -Develop scenic turnouts and overlooks on roads east of Highway One at such time when large landholdings are privately developed or public acquired. <p>Constraints/Restrict[ion]s:</p> <ul style="list-style-type: none"> -Residential area with a history of low public use. Trespass on private property should be discouraged and low use levels maintained. -Sensitive habitat: relatively undisturbed rocky intertidal area. -Steep cliffs and rocky shoreline pose hazards to shoreline users. -High fire hazard in area east of Highway One. 	<p>be limited to those affording blufftop and visual access <u>and additional safety and resource protection on the paths to the beaches.</u>⁸</p> <p>Revise Carmel Area Land Use Plan Section 5.3.4 for Carmel Highlands – Riviera (remaining shoreline) [includes Yankee Beach]: Add the following to “Provision” category:</p> <ul style="list-style-type: none"> -Provide for public use of Yankee Beach -Provide public pedestrian (vertical) access to Yankee Beach from Yankee Beach Way or Spindrifft Road. <p>Retain Management entries and add the following:</p> <ul style="list-style-type: none"> -If public access is secured over a trail to the beach, derive a procedure for managing general public use through the required access management plan (e.g., procedure for obtaining key to gate). <p>Add the following to the Improvements category:</p> <ul style="list-style-type: none"> -Retain and permit improvements to existing path and stairs to Yankee Beach or permit new path to beach.⁹ <p>Retain Constraints section.</p>
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8 Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

9 Derived from April 14, 1983 Coastal Commission suggested modifications to Carmel Area Land Use Plan.

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<p>Also, the Land Use Map designation for this area is uncertified. Five of the six parcels are shown as Low Density Residential. The sixth is shown as Resource Conservation: Wetland and Coastal Strand, which allows low intensity recreation.</p> <p>Also Carmel LUP Figure 3 as it applies to Yankee Beach is uncertified. It is shown “Inappropriate for Beach Access.”</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> The Zoning designation for the Yankee Beach area is also uncertified. Five parcels are shown as Low Density Residential. The sixth residential parcel and the beach/shoreline are shown as Resource Conservation.</p>	<p>Retain the Low Density Residential designation for residential parcels. Redesignate beach portion of AP#243-141-017 as Resource Conservation, based on a review of aerial photos. Retain rest of beach as Resource Conservation.</p> <p>Delete “Inappropriate for Beach Access” notation for Yankee Beach in Carmel LUP Figure 3</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain the Low Density Residential designation for residential parcels at Yankee Beach.</p>
<p>ISSUE PA-7: Stillwater Cove Ensure continued access at Stillwater Cove for recreational boating and diving.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The LCP provisions for public access at Stillwater Cove and the road access agreement have been completed except for the final acceptance of the offer to dedicate.¹⁰ Also, the</p>	<p>Summary: Retain Stillwater Cove access provisions and help ensure that they are honored over time through accurate information dissemination.</p>

¹⁰ The Pebble Beach Company has constructed the required access point at Stillwater Cove, as required by special conditions of the Spanish Bay coastal development permit (Special Condition 15 and 17; Special Condition 14 also required that OTDs be granted to DMFF for off-site access locations; Special Condition 20 required updated gate handouts (brochures) to include descriptions of all access points). The Stillwater Cove access point includes a designated equipment drop-off/pick-up area in the Beach Club parking lot and a stairway down to the beach. The pier was actually modified/repared and is open to the public for viewing, reserved parking spaces are available near the 17th tee box and an informational brochure has been printed for distribution to visitors upon entry to the forest. Additionally, the informational brochure to be handed out at the toll booth includes a map showing the 17-Mile Drive loop and the various numbered public access points required by the LUP, except for Stillwater Cove, which is labeled but not numbered as the other access points are. The brochure also includes brief descriptions of each access point, with a description of Stillwater Cove on the back in ultra fine print (maybe 4 or 6 point). The info on the back also includes conditions of entry to 17-Mile Drive and conditions for visitor use at Stillwater Cove Beach. The handout indicates that the beach at Stillwater Cove (and visitor restrooms) may be used at any time during daylight hours with access to the beach via the Beach and Tennis Club parking lot. Free visitor parking in one of six public parking spots located a short walk from the beach (near the 17th tee box), can be arranged by reservation on first-come first serve basis up to two weeks in advance by calling the Beach and Tennis Club (625-8507). Equipment drop-off and pickup for scuba divers or other visitors is allowed in the designated area in the Beach and Tennis Club parking lot for loading and unloading of vehicles, however some time restrictions apply (i.e., parking lot is closed to visitors between 11 am and 2 pm daily for busy lunchtime service at the Club, during special events, and one day a month for maintenance). According to staff at the Beach and Tennis Club, all moorings at Stillwater Cove are privately owned by Yacht Club members, and there are no public moorings, or public docking allowed at the pier. Boaters may drop anchor in Stillwater Cove, but would have to use a dinghy or skiff to reach the beach to come ashore since there is no ladder to access the pier from the ocean.

The Coastal Commission’s approval of PBC’s Casa Palmero project in 1997 required additional access improvements in and around the Lodge area and Stillwater Cove. These included; a public pedestrian path system throughout the Lodge area and to overlooks at the shoreline in two locations (at the Sloat building and at

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required information handout is difficult to read and workers at the entrance stations sometimes do not honor the provision for free bicycle access.

To date the General Plan update does not specifically address this issue, other than by reference to what is in the current LCP.

GENERAL PLAN UPDATE

GPU policy DMF ER-1 says that the Site Specific Shoreline Public Access Design Criteria are adopted by reference.

COASTAL LAND USE PLANS

DMF Land Use Plan

DMF LUP Policy 129 states that in accordance with the agreement between Pebble Beach Company and Del Monte Forest Foundation, the costs of all improvements, maintenance and operation of the following access areas to be ultimately deeded to the Del Monte Forest Foundation by Pebble Beach Company, shall be borne by Pebble Beach Company:
9. Stillwater Cove

DMF LUP Policy 145.12 for Stillwater Cove requires public access to Stillwater Cove via the existing pier (to be retained and upgraded) and beach south of the pier and access improvements consistent with the management plan prepared for that area. Also requires agreement

GENERAL PLAN UPDATE

Adopt an action for the County to request that Pebble Beach Company number Stillwater Cove access in the same way other public access points on its handout map are numbered, and increase font on back of brochure to same size as other descriptions so it can be more easily noticed and read.

Adopt an action for the County to support required parking and associated signing for Stillwater Cove access over time.

Adopt an action for the County to request that Pebble Beach Company post/maintain signs indicating no fee for bicyclists at the entry gates.

COASTAL LAND USE PLANS

Retain DMF LUP Policy 129 as it applies to Stillwater Cove.

see Appendix B” for recommended revised wording

Stillwater Cove); general public parking designated for visitors in the Casa Palmero parking structure, along Peter Hay hill, at the tennis court parking lot area, and at the hedge fronting the 17th tee at Stillwater Cove; and a public access sign program to clearly identify the required pedestrian paths and parking as available for the general visiting public (and not just lodge guests or PBC employees). These improvements, particularly the sign program, have not yet been fully realized and the Commission and PBC continue to work towards resolving the outstanding issues.

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between County and owner of the road system (Pebble Beach Company) for right to vehicular and pedestrian/bicyclist access through DMF subject to reasonable toll, regulations and hours/days of operation. Improvements for this access point also required that dedications and improvements be tied to condition of the Spanish Bay project; require posting of a bond to ensure construction of access improvements; and require upgrading of the pier for use by the public as shown in Appendix B.

DMF LUP Appendix B has Site Specific Shoreline Public Access Design Criteria for Stillwater Cove indicating that beach access is for beach use, which includes sunbathing, beachcombing, picnicking, scuba diving access for habitat observation or scientific research...notes that the cove itself and the tidelands are in the public domain, but the rest of the Stillwater Cove area is in private ownership...the pier at the west end of Stillwater beach is privately owned and is located on leased State Lands... it also notes that the pier is in poor condition due to storm damaged and was planned to be demolished

Stillwater Cove Beach Access Management Plan provisions include: six automobile parking spaces (including one handicapped space) available through reservation; equipment drop-off/pick-up area in Beach Club parking lot for loading and unloading for those who have reserved parking space or any handicapped visitors; additional unreserved parking spaces in the Lodge complex or other nearby parking areas on first come first serve basis; marked pedestrian access route from reserved and unreserved parking spaces to the beach through Beach Club parking lot; beach access stairway/ramp; construction of unisex restroom for beach users; limitations on beach use (not more than 50 visitors at a time; not more than 10 divers at a time; day-use only); time restrictions for maintenance (1 day per month), drop-off/pick-up availability (closed daily 11 to 2pm during busy lunchtime service, closed during special events); requires forest visitor gate handouts with Stillwater Cove Beach listed with all other access points and information regarding access, use restrictions, access restrictions and visitor parking reservation system to be included in informational material; informational signing to direct pedestrian access to public access point at specific locations.

Retain DMF LUP Appendix B provisions for Stillwater Cove with revision to allow alternative of pedestrian trail to go around the Beach Club parking lot..

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ISSUE PA-8: Sycamore Canyon

Ensure that the natural resources and the carrying capacity of Pfeiffer Beach and Sycamore Canyon Road are respected so as to be consistent with Coastal Act ESHA and public access policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current Big Sur land use plan had an adequate policy for guiding access to Pfeiffer Beach while also preserving resources. Although improvements to the parking lot have been completed pursuant to a federal consistency authorization [CD-047-97], implementation of the planned traffic controls has yet to occur.</p> <p>To date the General Plan Update retains one of the LCP policies and has a welcome call for a traffic congestion study.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Big Sur policy C-6 same as BS LUP Policy 4.1.3.A.5</p> <p>GPU Big Sur policy LU-20 states that in the Sycamore Canyon and Pfeiffer Ridge areas, for example, studies should be directed to resolving fire protection, water supply, and traffic congestion issues.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Big Sur Land Use Plan</u> BS LUP Policy 4.1.3.A.5 states that Sycamore Canyon Road ... should be maintained at a level that resident and visitor traffic can safely be accommodated. Improvements to the width or alignment of these roads shall only be approved when negative visual and environmental impacts will not result and where the improvements will not adversely impact adjacent residents. Pedestrian access shall be provided where feasible. Priority uses shall not be precluded on these roads by non-priority developments.</p> <p>BS LUP Policy 4.2.3 states that consideration should be given to regulating vehicular access to Pfeiffer Beach on Sycamore Canyon Road during peak use periods. A temporary gate at Highway 1 operated by the Parks and Recreation Department is a possible approach. A shuttle service</p>	<p>Retain Sycamore Canyon Road policies but update wording to account for completed Forest Service project.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p>Retain this part of GPU Big Sur policy LU-20</p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Retain BS LUP Policy 4.1.3.A.5</p> <p>Revise BS LUP Policy 4.2.3 as follows: Consideration should be given to <u>Regulating</u> vehicular access to Pfeiffer Beach on Sycamore Canyon Road during peak use periods. A temporary gate at Highway 1 operated by the Parks and Recreation Department <u>or US Forest Service</u> is a</p>

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<p>between Pfeiffer-Big Sur State Park and Pfeiffer Beach should also be considered.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Big Sur IP Section 20.145.130.C states that improvements to the width or alignment of Sycamore Canyon Road...shall be prohibited where resulting in negative visual or environmental impacts or in adverse impacts to adjacent residents. Specific studies shall be required, either prior to the application being considered complete or as a condition of project approval, as needed to assess and mitigate potential environmental impacts. Conditions of project approval shall include any measures necessary to mitigate adverse impacts and provision of pedestrian access where road width permits.</p>	<p>possible approach. A shuttle service between Pfeiffer-Big Sur State Park and Pfeiffer Beach should also be considered.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain Big Sur IP Section 20.145.130.C</p>
<p>ISSUE PA-9: Carmel River State Beach (aka Monastery Beach) Parking Ensure that current parallel parking along Highway One for Monastery Beach is allowed at least until alternative parking consistent with Coastal Act policies is approved in order to maintain public beach access.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: When the application for a parking lot on the former Briggs property at Monastery Beach was withdrawn due to adverse environmental impacts, the County began processing an LCP amendment to allow parking along Highway One instead. Since parking remains there and is the only short-term alternative, the current LCP policy discouraging such parking is still in need of revision. However, with State Parks acquisition of Point Lobos Ranch, the alternative inland site (i.e., at the Polo Fields) that is allowed under the LCP and would not have adverse visual impacts can now be advanced.</p> <p>To date the General Plan Update has outdated policy language by referring to the current State Park General Plan, because that plan still contains the withdrawn proposal for a beach side parking lot.</p> <p><u>GENERAL PLAN UPDATE</u> GPU policy Carmel Area C-5 indicates that public access to and within Point Lobos State Reserve and Carmel River State Beach [which includes</p>	<p>Summary: Revise policies to allow Highway One parking in the short-term and to provide more direction for improving the parking situation at Monastery Beach in the long-term.</p> <p><u>GENERAL PLAN UPDATE</u> Revise GPU policy Carmel Area C-5 to indicate that this means developing parking at the Polo Field and not on the former Briggs</p>

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Monastery Beach] should be improved and managed per State Park plans and consistent with this General Plan.

GPU policy Carmel Area C-6 states that the most important major access areas to be retained for long-term public use are the Scenic Road corridor along Carmel Point, Carmel River State Beach and Point Lobos State Reserve.

COASTAL LAND USE PLANS

Carmel Area Land Use Plan

Carmel Area LUP 3.1.3.6 states that parking along the highway shoulders in the vicinity of major recreational areas shall be discouraged due to pedestrian and traffic hazards and conflicts. Especially hazardous in the Carmel area is the uncontrolled, haphazard parking on the west side of Highway 1 at San Jose Creek Beach. The State Department of Parks and Recreation shall provide improved parking at San Jose Creek Beach according to the standards and criteria set forth in the Public Access Element of this plan. These standards shall supersede those in the Point Lobos State Reserve General Plan (October 1979) regarding beach parking on page 88. This parking shall be of highest priority, and the County is prepared to offer technical planning assistance to expedite this project. Immediately upon completion of adequate new off-street parking, as provided for in this plan, parking along the highway shoulder shall be prohibited. The parking prohibition shall be rigorously enforced, and appropriate structural barriers are permitted if necessary to deter illegal parking. If State Parks and CALTRANS cannot make the necessary improvements, the County will seek appropriate legislative mandate to resolve the issue. Parking may be considered as an allowable use on the Polo Field area inland of Highway 1.

Carmel Area LUP Policy 5.3.3.8.a indicates that a site is considered

property.

Add an action for the County to recommend that State Parks revise the Point Lobos Carmel River General Plan deleting the off-street parking lot shown at Monastery Beach.

Add an action for the County to recommend that State Parks pursue installing a parking lot on the Polo Field, possibly in conjunction with raising the roadway surface of Hwy 1 to allow for safe pedestrian undercrossing. Incorporate convenient means of diving equipment offloading and pickup (e.g., having permanent rolling cargo carts available to move gear to the beach).

COASTAL LAND USE PLANS

Revise Carmel LUP policy 3.1.3.6 to add that the highway parking can remain until an alternative is constructed. Also allow for permanent diving/beach equipment drop-off areas.

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<p>potentially suitable for parking if, among other things, (1) provision of parking would not encroach upon the shoreline destination, (2) improvement would entail minimum land disturbance, (3) parking improvements would not degrade public viewshed or obstruct public views to the shoreline... (6) adequate and safe pedestrian access should be possible, (7) safe ingress and egress from Hwy 1 should be possible...</p> <p>Carmel Area Section 5.3.4 states that parking may be allowed on the former Briggs property to provide access north to Carmel River Beach and south to San Jose Creek Ranch; however, approval will be contingent upon the provision of additional facilities at the south end of San Jose Creek Beach, to consist of a drop-off and limited parking.</p>	<p>Revise Carmel Area Section 5.3.4 consistent with above recommendations to provide parking at Polo Field instead of on the former Briggs property.</p>
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VII. COASTAL HAZARDS
The Coastal Act requires that new development be sited and designed to minimize risk to life and property specifically in areas of high geologic, flood and fire hazard. Under the Coastal Act, development is required to be sited and designed to assure stability and structural integrity and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. Further, the Coastal Act provides that development damaged or destroyed by natural disasters can be rebuilt in the same area, exempt from coastal permits, provided they are not expanded by more than 10% and conform to existing zoning requirements. Certain emergency actions are also exempt from permit review.

ISSUE CH-1: Technical Reports
Ensure that required technical reports contain sufficient information to allow full analysis of shoreline development so as to be consistent with Coastal Act policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has generally adequate provisions requiring geologic reports and what their content should be. However, there are outdated references that could result in inadequate reports and consequently projects not in full compliance with Coastal Act policies. There are specific requirements for</p>	<p>Summary: Revise geologic report requirements to include specific elements related to shoreline development and to update references.</p>

11 CDMG Notes 49 and 52 have been superceded by "GEOLOGIC GUIDELINES FOR EARTHQUAKE AND/OR FAULT HAZARD REPORTS" and "GUIDELINES FOR ENGINEERING GEOLOGIC REPORTS", prepared by the state Board for Geologists and Geophysicists and available at http://www.dca.ca.gov/geology/publications/report_guidelines/index.html

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analyzing shoreline structures, but there is a lack of specific requirements for evaluating other shoreline development (such as a proposed house), and what mitigations are necessary to ensure consistency with LCP and Coastal Act policies.

To date the General Plan Update retains welcome provisions for requiring geotechnical reports, but also contains outdated references.¹¹

GENERAL PLAN UPDATE

GPU: Policies HS-4.9 and HS-4.10 require geologic hazard reports to conform to the standards of California Division of Mines & Geology Notes 49 and 52 (now California Geological Survey) *Guidelines for Evaluating the Hazard of Surface Fault Rupture, and Guidelines for Preparing Geologic Reports for Regional-Scale Environmental and Resource Management Planning.*

GPU Policy ER-5.8 requires all applications for a permit for new bluff top development to include a geologic report of the entire site with special attention to the area of demonstration, i.e., that area which lies 50 feet landward from the edge of the bluff or areas which lie between the top of the bluff and the point at which a line from the toe of the bluff inclined 20 degrees above horizontal intersects the surface, whichever is greater. The geologic report shall be prepared by a Certified Engineering Geologist and include a predicted erosion rate.

COASTAL LAND USE PLANS

No. County LUP

No Co Policy 2.8.2.1 requires geotechnical reports in high hazard areas.

DMF LUP

DMF Policy 40 requires geotechnical reports in high hazard areas.

DMF policy 49 requires a site stability evaluation report for bluff and

GENERAL PLAN UPDATE

GPU policies HS-4.9 & HS-4.10 may be adopted with updated language to reflect new guideline documents that now supersede CDMG Notes 49 and 52: *“Geologic Guidelines For Earthquake And/Or Fault Hazard Reports”* and *“Guidelines For Engineering Geologic Reports”*

GPU Policy ER-5.8 may be adopted with revision to indicate a predicted long-term average erosion rate.

COASTAL LAND USE PLANS

Add to No Co policy language of Carmel Policy 2.7.4.Geo.3 with revision to clarify that technical reports are required to address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.

Revise DMF policy 49 to clarify that technical reports are required to

12 Source: City of Malibu LCP

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cliff top development.

Carmel LUP

Carmel Policy 2.7.3.1 requires geotechnical reports in high hazard areas.

Carmel Policy 2.7.4.Geo.3 requires development within 50 feet of the face of a cliff or bluff or within the areas of a 20 degree angle from the toe of a cliff; whichever is greater to require preparation of a geologic report.

Big Sur LUP

Big Sur Policy 3.7.2.3 requires geotechnical reports in high hazard areas.

Big Sur Policy 3.7.3.A.5 same as Carmel Policy 2.7.4.Geo.3.

COASTAL IMPLEMENTATION PLAN

No Co IP Chapter

No Co IP Section 20.144.100.A.1 contains geologic report requirements. In addition to general components, for development of shoreline structures, the following elements shall be included:

- a) design wave height
- b) maximum expected wave height
- c) frequency of overtopping
- d) normal and maximum tidal ranges
- e) erosion rate with/without protection device
- f) effect of structure on adjoining property
- g) potential/effect of scouring at base
- h) design life of structure/maintenance provisions
- i) alternatives to the chosen design including "no project"
- j) maintenance provisions including methods and materials.

address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.

Revise Carmel Policy 2.7.4.Geo.3 to clarify that technical reports are required to address risks from faults, bluff retreat, slops stability, erosion, tsunamis, etc. for any development on a beach or beachfront.

Revise Big Sur Policy 3.7.3.A.5 to clarify that technical reports are required to address risks from faults, bluff retreat, slope stability, erosion, tsunamis, etc for any development on a beach or beachfront.

COASTAL IMPLEMENTATION PLAN

Add to Sections 20.144.100.A.1; 20.147.060.A; 20.146.080.B.1; 20.145.080.A.1: Revise to require all applications for new development on a beach, beachfront or bluff-top property, to perform an analysis of beach erosion, wave run-up, inundation, flood hazards, slope stability, and long-term bluff retreat. Require these reports to address and analyze the effects of proposed development in relation to the following:

- 1. The profile of the beach;
- 2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
- 3. The availability of public access to the beach;
- 4. The area of the project site subject to design wave run-up, based on design conditions;
- 5. Foundation design requirements;
- 6. The need for a shoreline protection structure over the life of the project;
- 7. Alternatives for protection of the septic system;
- 8. The long-term effects of proposed development of sand supply;

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<p>No Co IP Section 20.144.100.A.1.f requires report preparation by registered geologist or registered engineering geologist as deemed appropriate by the County given the project type and probable hazards.</p> <p><u>Del Monte Forest IP Chapter</u> DMF IP Section 20.147.060.A contains geologic report requirements, same as North County</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080.B.1 contains geologic report requirements same as North County.</p> <p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.080.A.1 contains geologic report requirements same as North County.</p>	<ol style="list-style-type: none"> 9. The FEMA Base Flood Elevation and other mapped areas (A, B, or V zones); 10. Future projections in sea level rise; 11. Project alternatives designed to avoid or minimize impacts to public access; 12. Slope stability and bluff retreat.¹² <p>Add to Sections 20.144.100.A.1.f; 20.147.060.B.6; 20.146.080.B.1.f; 20.145.080.A.1.f for shoreline projects that the report(s) be prepared by professionals with specific expertise in coastal processes. Those aspects of the report(s) describing the geologic conditions shall be prepared by a registered geologist and those aspects of the report(s) describing the development's design, impacts and mitigation measures shall be prepared by a registered engineer with coastal expertise, as deemed appropriate by the County given the project type and probable hazards.</p>
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ISSUE CH-2: Bluff-top Setbacks
Ensure that there are adequate setback regulations for new development so as not to require protective structures consistent with Coastal Act sections 30253 & 30235.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Two of the four segments lack specific policies to setback new development from the shoreline. The current LCP also lacks specific direction to address a Factor of Safety for gross or surficial landsliding, which could lead to inappropriate development being approved.</p> <p>To date the General Plan Update has an appropriate set of policies, but is equivocal on an economic life to use to determine the required setback.</p>	<p>Summary: Revise policies to have language consistent with Coastal Act.</p>

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GENERAL PLAN UPDATE

GPU Policy ER-5.8 requires a setback that will ensure the development will not require bluff protection during its economic life.

GPU Policy ER-5.9 states: Bluff Top Annual Erosion Rate - Develop a long-term annual average erosion rate for bluffs, multiply this by the economic life of the structure and either multiply that by a safety factor or add a safety factor as a set distance. For example, if the rate of erosion is determined to be 3 inches per year, the economic life of the structure is 100 years, and the safety factor is 1.2, then the minimum setback is 30 feet (3 in. x 100 yrs. = 300 in., 300 in. = 25 feet, 25 feet x 1.2 = 30 feet). If the safety factor were a set distance of 10 feet, and the rate of erosion and economic life of the structure were the same as in the preceding example, then the setback would be 35 feet. The safety factor may vary regionally, based on the quality of the erosion change data and the size or magnitude of extreme erosion events. Based on the above criteria, all development, including second story and cantilevered portions of a structure shall be set back a minimum of 25 feet or the long-term annual average erosion rate multiplied by the economic life of the structure and by a safety factor of 12 from the top edge of the bluff, whichever is greater.

GPU Policy ER-5.10 requires the geologist to provide 75-year and 100-year setback lines for bluff tops and provide the methodology for determining the setback.

GPU Policy ER-5.11 contains a Bluff Edge Definition

GPU Policy ER-5.13 requires land divisions on coastal fronting property resulting in new parcels must demonstrate that the parcels can be developed with structures that will not require shoreline protection during a 75 or 100-year economic life.

GENERAL PLAN UPDATE

Adopt GPU Policy ER-5.8 (with recommended revision from above)

Revise GPU Policy ER-5.9 (note typo in last sentence should be 1.2) to change wording of “safety factor” to “buffer factor” and add the following: An additional setback beyond what this erosion formula may yield is required to meet a 1.5 Factor of Safety for gross or surficial landsliding.

Revise GPU ER-5.10 to specify 100 year economic life of structure, and to clarify that the specified methodology must be pursuant to adopted policies.¹³

Adopt Policy ER-5.11 but delete unnecessary phrase “as a result of erosion processes related to the presence of the steep cliff face.”

Revise GPU ER-5.13 to specify 100 year economic life.

¹³ Sources: San Luis Obispo periodic review; Malibu LCP.

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COASTAL LAND USE PLANS

No. County LUP policy 2.8.2.1 states development should be sited to minimize risk from geologic hazards.

DMF LUP: Policy 49 provides: Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.

Carmel LUP: Policy 2.7.4.Geo.3 states: Any proposed development within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle from the toe of a cliff, which ever is greater, shall require the preparation of a geologic report prior to consideration of the proposed project

BS LUP Policy 3.9.1(1) requires bluff top setbacks to be adequate to avoid the need for seawalls during the development’s economic lifespan.

COASTAL IMPLEMENTATION PLAN

COASTAL LAND USE PLANS

DMF Policy 49 would be replaced with GPU Policy ER-5.9 formula.

COASTAL IMPLEMENTATION PLAN

Add to Implementation Plan provisions of GPU policies.

Add to Implementation Plan provisions the following: If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line, plus the distance that the bluff might reasonably be expected to erode over 100 years (determined by the GPU Policy ER-5.9 formula). These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise. If the bluff exhibits both a gross and surficial factor of safety against

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<p><u>No Co IP Chapter</u> No Co IP Section 20.144.100 requires preparation and following of Geologic Reports but does not have specific bluff setback standards.</p> <p><u>Del Monte Forest IP Chapter</u> DMF Section 20.147.060.F similar to DMF Policy 49.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080 requires preparation and following of Geologic Reports but does not have specific bluff setback standards.</p> <p><u>Big Sur IP Chapter</u> Big Sur Sections 20.145.080.A.2.h & 20.145.100.BC.1 similar to BS Policy 3.9.9.1 with regard to blufftop setback.</p>	<p>landsliding of greater than 1.5, then development shall be set back a minimum distance equal to the distance that the bluff might reasonably be expected to erode over 100 years plus a buffer to ensure that foundation elements are not actually undermined at the end of this period (determined by the GPU Policy ER-5.9 formula). The determination of the distance that the bluff might be expected to erode over 100 years is to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer or Geotechnical Engineer, and shall be based on a site-specific evaluation of the long-term bluff retreat rate at the site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise</p>
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ISSUE CH-3: Seawalls
Ensure that seawalls and other shoreline protective devices are only allowed consistent with Coastal Act Section 30235.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP generally allows seawalls for the reasons mentioned in the Coastal Act. Not all categories mentioned in the Act eligible for seawalls are allowed in all segments, which is appropriate given the characteristics of the area (e.g., not all segments have coastal-dependent uses or public beaches in danger of erosion). There are three instances of the LCPs being more expansive</p>	<p>Revise policies so that categories of development eligible for shoreline protective structures are not broader than authorized under the Coastal Act, currently or in the future.</p>

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in a manner inconsistent with the Coastal Act. In North County the criteria to allow shoreline alteration for public health and safety could mean allowing armoring where there was a danger of rocks falling on beachgoers, where other alternatives would suffice. In Del Monte Forest the text could be interpreted to allow armoring for new (as opposed to existing) recreational developments. And in Carmel the text could be interpreted to allow armoring for new (as opposed to existing) necessary public facilities. (See summary table below)

To further ensure that new development is not eligible for seawalls, especially in the future, the Commission will typically require a deed restriction be recorded prohibiting future seawalls. The current LCPs lack such provisions.

Additionally, the Coastal Commission has sought to apply Coastal Act policy permitting shoreline protective devices to significant or primary structures, not ancillary facilities such as fences, or temporary structures. Both the North County and Del Monte segments contain such a qualification.

To date the General Plan update contains the same general language as the North County LUP.

GENERAL PLAN UPDATE

GPU Policy ER-5.7 states that further alteration of natural shoreline processes shall be limited to protection of public beaches, existing significant structures, coastal dependent development, and the public health and safety.

COASTAL LAND USE PLANS

No. County LUP policy 2.4.2.1 prohibits further alteration of “natural shoreline processes” except for protection of public beaches, existing significant structures, coastal dependent development & the public health & safety.

DMF LUP policy 47 prohibits “alteration of the shoreline” except for existing development or recreational facilities and beaches accessible to

GENERAL PLAN UPDATE

GPU Policy ER-5.7 may be adopted with the deletion of public health and safety. The policy can be re-written to make health and safety criteria for considering or designing seawalls, but not as independent criteria.

COASTAL LAND USE PLANS

Delete public health and safety in No Co policy 2.4.2.1.

The policy can be re-written to make health and safety criteria for considering or designing seawalls, but not as independent criteria.

Add “existing” in front of recreational facilities in DMF policy 47. (Note: additional recommendations may be forthcoming as a result of future

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the public.

Carmel LUP Policy 2.7.4.Geo.10 prohibits alteration of the shoreline except for the protection of existing development.

BS LUP Policies 3.3.3.B.2 and 3.9.1(1) prohibit “alteration of the shoreline” except for the maintenance of Hwy 1. ”

COASTAL IMPLEMENTATION PLAN

No Co IP Chapter
No Co IP Section 20.144.060.C.1 similar to policy 2.4.2.1

Del Monte Forest IP Chapter
DMF Section 20.147.060.E.2 similar to DMF Policy 49; also has criteria for what constitutes “existing structure;” i.e., they must be substantial.

Carmel IP Chapter
Carmel IP Section 20.146.080.D.1.i similar to Carmel policy 2.7.4.Geo.10.

evaluation of application of this policy with regard to public accessibility.)

Carmel LUP Policy 2.7.4.Geo.10 should be retained.

BS LUP Policy 3.9.1(1) should be retained.

COASTAL IMPLEMENTATION PLAN

Add a provision to the IP that prior to approving a shoreline structure to protect “existing” development, a review of any previous coastal permits (including findings of approval) needs to ascertain if the development would be eligible for a seawall..

Add a provision to the IP: For new shorefront development, including additions, reconstruction (demolitions and rebuilding), and structural alterations, require recordation of a deed restriction that ensures that no shoreline protective device(s) shall be constructed to protect the development approved and ensures waiver of any rights to construct such devices that may exist under Public Resources Code Section 30235.¹⁴

Revise No Co IP Section 20.144.060 to correspond to above policy recommendations. Add to examples of “significant structures:” principle residences, not accessory or ancillary structures such as garages, decks, steps, eaves, or landscaping.

Revise DMF Section 20.147.060.E.2 to correspond to above recommendations.

14 Source: San Luis Obispo periodic review recommendation.

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Carmel IP Section 20.146.080.D.1.j allows shoreline alteration for necessary public facilities.

Big Sur IP Chapter
Big Sur Section 20.145.040.C.2.b similar to BS Policy 3.9.9.1

Summary Table of For What Purposes Shoreline Protective Structures Are Allowed in the LCP:

	No Co.	DMF	Carmel	Big Sur
Coastal-dependent	Yes			
Existing structures	Yes	Yes	Yes	Hw 1 only
Public beaches	Yes	Yes		
Public health & safety	Yes			
Public recreational facilities		Yes		
Necessary public facility			Yes	

Add “existing” in front of “necessary public facilities” in Section 20.146.080.D.1.j. Also qualify existing residential development to apply to principle residences, not accessory or ancillary structures such as garages, decks, steps, eaves, or landscaping.

ISSUE CH-4: Structural Changes in Hazardous Areas
Ensure that additions and improvements to structures in hazardous areas do not perpetuate hazardous situations or require protective devices that are inconsistent with Coastal Act policies.

County Policies and Comments

Summary Comment: Existing structures in hazard setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the issue of additions and rebuilds of structures located within setback areas. Although there are other LCP policies addressing setbacks (see Issue CH-2 Bluff-top Setbacks), they could be interpreted to not apply to structural additions, possibly resulting in the need for shoreline protective devices that otherwise would not be necessary and would be inconsistent with Coastal Act policy direction.

To date the General Plan update does not address this issue.

Recommendations

Summary: Adopt coastal zone wide policy that requires additions and rebuilds to comply with setback requirements.

Add a policy providing that if a structure or portion of a structure is

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<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.</p> <p>IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.</p> <p>IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.</p> <p>IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:</p> <ol style="list-style-type: none"> 1) no structural alterations are made; and 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period. 	<p>proposed for reconstruction (demolition and rebuild) or structural alteration, then it must follow bluff/shoreline setback requirements. (Note: this may require the rebuild to locate on another-- i.e., more inland --portion of a parcel. If this were impossible, then IP exception section 20.02.060 would apply to prevent takings.)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Clarify IP Section 20.68.040.A (and correspondingly clarify IP Section 20.06.1260, if necessary) to explicitly apply to nonconforming bluff/shoreline setbacks as well and that conformance to the bluff/shoreline standards will be required.</p> <p>Revise IP Section 20.68.040.B to state that with regard to bluff/shoreline setbacks this provision is limited to work on 25% or less of the structure (cumulatively), otherwise bluff/shoreline setback requirements have to be met.</p>
<p>ISSUE SH-5: Shoreline Structure Design Ensure that where shoreline structures are allowed, there are adequate design requirements (e.g., materials, evaluation of alternatives, avoid blocking access, etc.) so as to be consistent with Coastal Act public access and scenic protection policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

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Summary: Although the current LCP has policies to protect habitat, visual resources, and public access, only the Carmel Area has specific policies applicable to shoreline structure design, but still not detailed enough to reflect current Commission actions to ensure complete consistency with Coastal Act provisions.

To date the General Plan Update has no policies directly address this issue.

Summary: Adopt design criteria for shoreline structures that specify shoreline structure materials, evaluation of alternatives such as “soft solutions” and other development standards that include the avoidance of blocking access.

Adopt coastal zone wide policy indicating the following:
Where it is determined by a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal processes to be necessary to provide shoreline protection for an existing structure built at sand level, a “vertical” seawall or bulkhead shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative.¹⁵

Adopt “soft solutions” policy and/or development standard: On any beach found to be appropriate, alternative “soft solutions” to the placement of shoreline protection structures shall be required. Soft solutions shall include dune restoration, sand nourishment, and design criteria emphasizing maximum landward setbacks and raised foundations.¹⁶

Adopt construction standards conditions where shoreline protection devices permitted that include the following:
Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to insure that:

1. No stockpiling of dirt or construction materials shall occur on the beach;
2. All grading shall be properly covered and sandbags, ditches, or other Best Management Practices (BMPs) shall be used to prevent

¹⁵ Source: City of Malibu LCP

¹⁶ Source: City of Malibu LCP

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<p><u>COASTAL LAND USE PLANS</u></p> <p><u>No. County LUP</u> No policies specifically address this issue.</p> <p><u>DMF LUP</u> No policies specifically address this issue.</p> <p><u>Carmel LUP</u> Carmel Policy 2.7.4.Geo.10 requires structures not to impede lateral beach access and try to respect natural landform & visual appearance; also, not adversely impact shoreline supply (e.g., incorporate sand bypass; import replacement sand).</p> <p><u>Big Sur LUP</u> Not applicable since seawalls are not allowed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p><u>No Co IP Chapter</u> No Co IP Section 20.144.060.A.2.c requires development to be sited & designed to conform to site topography, otherwise no provisions specifically address this issue</p> <p><u>Del Monte Forest IP Chapter</u> No provisions specifically address this issue.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.080.D.1.i similar to Carmel policy 2.7.4.Geo.10</p>	<p>runoff and siltation;</p> <ol style="list-style-type: none"> 3. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work; 4. No machinery shall be allowed in the intertidal zone at any time unless authorized in the Coastal Development Permit; 5. All construction debris shall be removed from the beach daily and at the completion of development.¹⁷ <p><u>COASTAL IMPLEMENTATION PLAN</u> Adopt corresponding implementation provisions.</p>
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17 Source: City of Malibu LCP

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<p><u>Big Sur IP Chapter</u> Not applicable since seawalls are not allowed.</p>	
<p>ISSUE CH-6: Tunnels Ensure that tunneling to the beach and similar landform alteration is adequately regulated in a manner consistent with Coastal Act policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The LUP contains policies that can be applied to address the issues associated with tunneling to the shoreline. However, they are not explicit and were interpreted by the County to allow blasting granitic sea rock to provide tunnel access to a private beach that was problematic from a Coastal Act perspective (A-3-MCO-01-071).</p> <p>To date the General Plan update has not specifically addressed this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co Land Use Plan</u> No Co LUP Policy 2.8.2.1 similar to Carmel policy 2.7.3.1</p> <p>No Co LUP Policy 2.8.1 similar to Carmel policy 2.7.2.</p> <p>No Co LUP Policy 2.8.3.A.5 similar to Carmel LUP Policy 2.7.4.7.a., c. and e.</p> <p><u>Del Monte Forest Land Use Plan</u> Del Monte Forest Policy 40 similar to Carmel LUP Policy 2.7.3.1</p> <p>Del Monte Forest Policy 47 prohibits alteration of shoreline except to protect certain development.</p> <p>Del Monte Forest Policy 49 prohibits bluff and cliff top development that contributes to or creates geologic instability.</p> <p><u>Carmel Land Use Plan</u> Carmel LUP Policy 2.7.3.1 states that: All development shall be sited</p>	<p>Summary: Add to current policies a specific prohibition against tunneling and similar disturbances to the natural shoreline landform.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt a coastal zone wide policy to prohibit private shoreline projects, such as tunnels, that alter the natural landform and are not protective devices to complement cited policies. (Note: recommendations for protective devices are covered elsewhere).</p>

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and designed to minimize risk from geologic, flood, or fire hazards. Areas of a parcel, which are subject to high hazard(s), shall generally be considered unsuitable for development...

Carmel LUP Policy 2.7.2 states: Land uses and development in areas of high geologic, flood, and fire hazard shall be carefully regulated through the best available planning practices in order to minimize risks to life and property and damage to the natural environment.

Carmel LUP Policy 2.7.4.10 states: Revetments, groins, seawalls, or retaining walls, and other such construction that alters natural shoreline processes shall be permitted only where required for the protection of existing development...

Carmel LUP Policy 2.7.4.7.a., c. and e. Where soils and geologic reports are required, they should include a description and analysis of the following items: For development proposed in all areas

- a. geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints and faults;
- c. impact of construction activity on the stability of the site and adjacent area;
- e. potential erodibility of site and mitigating measures to be used to minimize erosion problems during and after construction (i.e., landscaping and drainage design);”

Carmel LUP Policy 2.2.3.7 states that extensive landform alteration shall not be permitted.

Big Sur Land Use Plan

Big Sur policy 3.7.2.3 similar to Carmel LUP Policy 2.7.3.1

Big Sur policy 3.7.1 similar to Carmel LUP Policy 2.7.2

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<p>Big Sur policy 3.7.3.A.11 similar to Carmel LUP Policy 2.7.4.7.a., c. and e.</p> <p>Big Sur policy 3.3.3.B.2 does not permit alteration of the shoreline.</p> <p>Big Sur policy 3.7.3.A.9 states that development within 50 feet of a bluff shall not diminish the stability of the area.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No Co IP Section 20.144.100 similar to No Co land use plan policies.</p> <p>DMF IP Section 20.147.060 similar to DMF land use plan policies.</p> <p>Carmel IP Section 20.146.080 similar to Carmel land use plan policies.</p> <p>Big Sur IP Section 20.145.080 similar to Big Sur land use plan policies.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Add corresponding private tunnel prohibition provision to cited IP sections.</p>
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ISSUE CH-7: Steep Slopes
Ensure that the County has a uniform policy for requiring easements over steep slopes that present an erosion hazard.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The County has a history of requiring easements on land of over 30% slope that predates the LCP. However, only the North County Land Use Plan explicitly states this requirement.</p> <p>To date the General Plan Update, while addressing grading and building on steep slopes, does not address putting such land under easement.</p> <p><u>GENERAL PLAN UPDATE</u> GPU LU-4.11 states that within <u>high</u> soil erosion hazard areas, no development nor conversion of uncultivated land to cultivation shall be allowed on slopes greater than 25%, and no development density shall be calculated from those portions of a site that are over 25% in slope. In all other areas, 30% slope shall be the threshold.</p>	<p>Summary: Require easements on land over 30% slope not allowed to be developed when development occurs on a parcel containing such land.</p> <p><u>GENERAL PLAN UPDATE</u></p>

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GPU HS-4.6 states that new roads across slopes of 30% or more shall be allowed only where potential erosion impacts can be adequately mitigated” shall not include massive grading or excavation or alter natural landforms.

GPU Big Sur LU-3 – lands in excess of 25% cross slope, located east of Hwy 1, shall not be developed. Those portions of a parcel in this area that have a cross slope of 25% or more shall not be developed. Areas in Big Sur east of Hwy 1 between 15 & 25% slope shall be limited to one unit/80acres.

COASTAL LAND USE PLANS

No County LUP:

No Co. Policy 2.2.2(3) states scenic or conservation easements should be required, among other areas, on areas of 30% or more.

No Co. LUP 2.3.3.A.2 states: All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.

No Co LUP 2.3.3.A.4 States: Oak woodland on land exceeding 25% slope should be left in its native state.

DMF LUP: Policy3 prohibits development on slopes exceeding 30% unless siting better accomplishes other policies of the LUP.

Carmel Land Use Plan:

Carmel LUP Policy 2.2.4(10)(a) “...buildings should not be located on slopes exceeding 30%, except when all other guides are met and siting on slopes over 30% better achieves siting consistent w/the policies of the plan.

Carmel LUP Policy 2.7.4(4) allows roads across slopes of 30% or greater if erosion impacts can be mitigated (mitigation measures shall not include massive grading or construction etc.) w/o substantially altering natural landforms.

Carmel Policy 2.7.4(5) allows minor structures on slopes over 30%

COASTAL LAND USE PLANS

Retain North County Policy 2.2.2(3) language and apply coastal zone wide. (An easement could also be required over less steep slopes where the County requires their protection.)

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<p><u>Big Sur LUP:</u> Policy 3.2.3(A)(8) “encourages” landowners to grant the County scenic easements over portions of their land in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>No Co IP Chapter</u> Section 20.144.040.c.1.c requires easements on portions of parcels proposed for development over 25% and containing maritime chaparral.</p> <p>DMF IP Chapter: no easement requirements.</p> <p><u>Carmel IP Chapter</u> Section 20.146.120.A.6 states: As a condition of development approval, all areas of a parcel in slopes of 30% and greater shall be required to be placed in a scenic easement.</p> <p><u>Big Sur IP Chapter</u> no easement requirements.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Retain Section 20.146.120.A.6 and apply coastal zone wide. (An easement could also be required over less steep slopes where the County requires their protection.)</p>
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VIII. SCENIC RESOURCES
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).

ISSUE SR-1: Historic Resource Protection
Ensure that historic resources are protected consistent with Coastal Act scenic and community character policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Only the Big Sur & North County Land Use Plan contains historic protection policies; the latter are only applicable to Moss Landing. These policies cover a range of historic preservation issues but do not comprise a complete set of necessary provisions to ensure that community character is protected pursuant</p>	<p>Summary: Adopt historic preservation policies with more direction as to what is historic and what can be done with historic resources.</p>

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to Coastal Act directives. The recommended design guidelines for Moss Landing have never been prepared.

The zoning ordinance has provisions to apply to areas designated as historic resources, but identification of such resources (which could lead to them being placed under this zoning) is required only for Big Sur.

To date the General Plan Update has welcome policy language to protect historic resources, however, there are some gaps to ensuring complete protection that would carry out Coastal Act policies. There is a good, but general definition and requirement for an inventory, but a lack of direction as to how to determine what is historic and what should be in the inventory. Also, protective policies are geared toward only County-owned historic property, development adjacent to historic resources, and structures that property owners have agreed be on an inventory; thus, leaving policy gaps that could result in demolition or substantial adverse alterations of other historic resources. Additionally, the policies do not necessarily require following the guidelines and standards that are to be prepared.

GENERAL PLAN UPDATE

GPU Definition of Historic Resource: Generally, a building, structure, object, site, or district that can lead to a greater understanding or appreciation of the past. Historic resources are what historic preservation preserves. Sometimes the term is contrasted with “prehistoric resource,” a term that refers to an archeological site from a time before written records. The latter usage produces the familiar phrase “historic and prehistoric resources.”

GPU ER-12 is a goal to preserve, protect, and where feasible, enhance and restore the historic resources, features and places that contribute to the heritage of Monterey County and its man-made resources and traditions.

GENERAL PLAN UPDATE

Retain GPU Definition of Historic Resource

Add a policy to apply California Register of Historic Resources criteria as the framework to identify and document all historic resources

Add an action to develop an historic context statement to indicate which local events, local people, and distinctive regional architectural characteristics are significant for purposes of applying the California Register criteria.

GPU ER-12 should be adopted.

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GPU Policy ER-12.1 states that the County shall encourage and support nominations to the National Register of Historic Places, to the California Register of Historic Resources and to the Monterey County Inventory of Historic Resources.

GPU Policy ER-12.1 can be adopted.

GPU Policy ER-12.2 says to amend the County’s Historic Preservation Ordinance to reflect the 1998 changes to the California Environmental Quality Act

GPU Policy ER-12.2 can be adopted.

GPU Policy ER-12.3 provides for the designation of Heritage Corridors and GPU Action ER-12.d says to designate corridors with unique historic and scenic resources as Heritage Corridors and to adopt guidelines for preserving context of identified historic resources along those corridors including design review guidelines for new construction.

GPU Policy ER-12.3 and Action ER-12.d can be adopted. The purpose and function of Heritage Corridors should be elaborated, such as what is permissible in a Heritage Corridor?

GPU Policy ER-12.4 calls for protecting historic resource features important to the setting of historic resources such as mature trees and vegetation, walls and fences within historic neighborhoods, districts and heritage corridors.

GPU Policy ER-12.4 should be adopted with the revision to delete the first mention of “historic resource” (i.e., protect all features important to the setting of historic resources, whether they are historic or not)

GPU Policy ER-12.5 requires new proposed development projects that are within 200 feet or involve historic resources listed within the County database shall be reviewed by the Historic Resources Review Board to protect significant historical buildings, structures, landmarks, and districts.

GPU Policy ER-12.5 should be adopted with the revision “...that are within 200 feet of an historic resource or that involve...”.

GPU Policy ER-12.6 requires the Historic Resources Review Board to review proposed projects, including demolition requests, involving County owned historic resources to insure that all County owned properties containing or adjacent to historic resources are constructed or reconstructed to compliment adjacent historic resources in a manner that is consistent with good preservation practices.

GPU Policy ER-12.6 should be adopted with a revision to apply to all historic structures, not just County-owned ones.

GPU Policy ER-12.7 requires regular updating of the County’s Historic Resources Inventory

GPU Policy ER-12.7 should be adopted

GPU Policy ER-12.8 says that the County shall continue as an “Interested

GPU Policy ER-12.8 may be adopted.

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Party” under Section 106 of the National Historic Preservation Act process and maintain active involvement in mechanisms for the Historic Resources Review Board historic resource management programs.

GPU Policy ER-12.9 requires that historical resources and sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties.

GPU Action ER-12.a provides: Maintain and regularly update its Inventory of Historic Resources database of at least 50 years old in unincorporated areas of Monterey County and develop a potential eligibility list of historic resources, which does not require owner consent. Property owner’s consent must be obtained prior to the formal listing of any property.

GPU Action ER-12.b provided: Continue to maintain and update the historic resources data base and incorporate the data into the County GIS system. Include: all areas inventoried within the County; all individual parcels known to include historic resources and regions; and parcels with a high potential for containing historic resources based on natural landscape, historic maps and oral histories. The historic resources database will also include all properties contained within existing and future cultural resources inventories that have been or are assigned a National Register designation of 1 to 5.

GPU Policy ER-12.9 should be adopted with the following additional provisions:

- Implement the Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOI Standards) as the standard of review for development projects affecting historic resources.
- Prohibit the demolition of all historic resources and prohibit changes to historic resources that conflict with the Secretary of Interior’s Standards and Guidelines unless it is determined by the Board of Supervisors that such prohibition would preclude a viable economic use of the property, such prohibition would present a threat to public health and safety, rehabilitation of the resource was not feasible, or there are no feasible alternatives. When completing environmental review of any project affecting an historic resource, require exploration of one or more alternative designs that would be consistent with the Secretary of the Interior’s Standards and Guidelines Standards.
- Utilize guidelines prepared pursuant to GPU Action ER-12.e & ER-12.g

GPU Action ER-12.a may be adopted if clarified that historic resources on an inventory for the purposes of applying protective policies are listed based on their merit, not on property owner consent. However, the County may also maintain some type of Register that is voluntary for property owners to be listed on.

GPU Action ER-12.b may be adopted.

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<p>GPU Action ER-12.c requires incorporation of survey and inventory of historic, cultural, engineering and architectural resources throughout the County. The database will further define thematic inventories.</p> <p>GPU Action ER-12.e directs: based upon state and federal guidelines and County criteria and database, develop Historic Preservation design review and context guidelines for development proposals when they involve historic resources.</p> <p>GPU Action ER-12.g provides that when community support is forthcoming for a proposal, the County will pursue creation and adoption of Historic Resources District Zoning. The Historic Resources District Zoning will provide specific guidelines and standards and design review for siting, design, renovation, and maintenance of structures and landscape features. Historic Resources zoning will be applied to all National Register/California Register properties.</p> <p>GPU Action ER-12.h says to create a list of properties that are eligible for the National Register and/or California Register and provide written notice to property owners of these historic properties advising them of the benefits of the National Register Program and of preservation local incentives available for their properties.</p> <p>GPU Goal ER-13 is to preserve the County’s historic resources through financial incentives, a clear review process, preservation assistance and integration of historic preservation tools into the County planning system.</p> <p>GPU Policy ER-13.1 says to initiate, adopt, and promote the availability of monetary and other incentive programs to encourage the retention, reuse and restoration of historic structures.</p> <p>GPU Policy ER-13.2 calls for retaining the special character of historic districts and neighborhoods, including protecting historic resource features such as mature trees and vegetation, walls and fences, and promote compatible development within historic districts by modifying development standards within historic districts.</p>	<p>GPU Action ER-12.c may be adopted.</p> <p>GPU Action ER-12.e may be adopted</p> <p>GPU Action ER-12.g may be adopted, with the clarification that this action shall not supersede current practice of requiring rezonings to the HR overlay district in the coastal zone.</p> <p>GPU Action ER-12.h may be adopted.</p> <p>GPU Goal ER-13 may be adopted.</p> <p>GPU Policy ER-13.1 may be adopted.</p> <p>GPU Policy ER-13.2 may be adopted.</p>
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GPU Policy ER-13.6 says to review County Historic Preservation Ordinance and amend where needed any sections, which do not conform to current standards and practices in the California Register and California Environmental Quality Act.

GPU Policy ER-13.8 says to use Section 21.64.240 of the Monterey County Historic Resources Code, which provides for exceptions to the zoning district regulations when an exception is necessary to permit the rehabilitation of a historic resource.

GPU Action ER-13.b says to revise the County’s historic preservation ordinance to include a sign ordinance for heritage corridors.

GPU Action ER-13.c says to amend Historic Preservation Ordinance to establish that buildings on the National Register, California Register and Monterey County Register of Historic Resources shall be deemed “qualifying structures”, eligible to use the State Historic Building Code pursuant to Section 18955 of the Health and Safety Code.

GPU Action ER-13.d requires mitigation options in the event a property listed on Monterey County’s Inventory of Historic Resources must be demolished. Options include, but are not limited to purchase and relocation, survey funding, interpretive projects, and funding County preservation projects. In the event of a demolition, 10% of the market value of the resource shall be deposited into a rehabilitation/survey fund. If the demolition is due to new development, 1% of the project cost shall be deposited into the rehabilitation/survey fund to be used as matching funds for HRRB mandated preservation projects.

GPU Action ER-13.e requires criminal and civil penalty provisions and/or a penalty fee with mandatory monetary penalties and potential imprisonment for noncompliance with standards and practices for anticipatory demolition.

GPU Goal ER-14 states: Improve awareness and encourage appreciation of the County’s historic assets through public education and heritage

GPU Policy ER-13.6 may be adopted.

GPU Policy ER-13.8 may be adopted with clarification that approval should not be inconsistent with other Land Use Plan policies (see recommendation on Chapter 20.54 below)

GPU Action ER-13.b may be adopted.

GPU Action ER-13.c should be adopted, but should be clarified to apply to all defined historical buildings.

GPU Action ER-13.d should be adopted, with the addition of salvage and reuse as options.

GPU Action ER-13.e should be adopted.

GPU Goal ER-14 may be adopted.

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tourism followed by policies and actions to accomplish this.

COASTAL LAND USE PLAN
North County Land Use Plan
 No Co. LUP policy 2.9.2.1 encourages the timely identification and evaluation of historical resources, in order that these resources be given consideration during the conceptual design phase of land use planning or project development.

No Co policy 5.2.1.B.2 states that General Commercial uses are shown on the plan map on both sides of Moss Landing Road. Antique shops, the Moss Landing Post Office and historical buildings such as the Pacific Coast Steamship Company, lend a special character to this area and should be preserved and upgraded. Appropriate design and setback standards should be applied as a means of providing relief from "strip" development that can be an aesthetic nuisance to the community.

No Co policy 5.6.1.1 states that the County's objective shall be to conserve the unique visual, cultural, and historic resources of Moss Landing to the greatest extent possible while protecting private property rights.

No Co policy 5.6.2.3 states that the County should maintain an identification survey and inventory program of historical sites and should maintain a registry program to protect and preserve historical land mark sites and districts.

No Co policy 5.6.2.4 states that as early as possible in the planning stage for a proposed development project, the County shall identify any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified. Guidelines for preservation, restoration or adaptive use of designated historic sites should be developed.

No Co. policy 5.6.2.5 states that the "HR" Zoning District Ordinance

COASTAL LAND USE PLAN

No Co. LUP policy 2.9.2.1 may be retained.

No Co policy 5.2.1.B.2 may be retained

No Co policy 5.6.1.1 may be retained.

No Co policy 5.6.2.3 may be retained and should be applied County wide (see other recommendations for this issue above)

No Co policy 5.6.2.4 may be retained.

No Co. policy 5.6.2.5 may be retained.

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should be applied to designated historical sites to ensure that new onsite development is compatible with existing historical resources and to maintain the special values and unique character of the historical properties.

No Co. policy 5.6.3.2 states that where the preservation of designated historical buildings and landmarks is in jeopardy, the land and resource should be considered for acquisition by private or public organizations.

No Co. policy 5.6.3.3 states that design standards should be developed to address the most essential factors in conserving the historic character of Moss Landing

No Co. policy 5.6.3.7 states that a Moss Landing Community Design Review Committee shall be formed to provide guidance to the County in the consideration of development proposals. In cooperation with the County, the committee should develop design review criteria and standards to ensure that new development is visually compatible with natural features, historical resources, and the unique character of Moss Landing. Design standards should include criteria regulating height, bulk, siting, structural design, shape, color, texture and materials used in new buildings, and should also address landscaping requirements. Once developed, these criteria shall be used by both the Committee and the County in reviewing development proposals. The policy lists specific design criteria for the Island and Moss Landing Road to protect historic characteristics.

Del Monte Forest Land Use Plan

DMF Policy 60 states that the timely identification and evaluation of archaeological, historical, and paleontological resources is encouraged in order that these resources be given full consideration during the conceptual design phase of land use planning for project development.

Carmel Land Use Plan

Carmel policy 2.8.3.1 similar to DMF policy 60.

Carmel policy 4.4.3.F.1.a gives historic resource status to Mission Ranch.

No Co. policy 5.6.3.2 may be retained.

No Co. policy 5.6.3.3 may be retained.

No Co. policy 5.6.3.7 may be retained.

Carmel policy 4.4.3.F.1.a should be retained.

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Big Sur Land Use Plan

BS policy 3.10.1 states that it is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions.

BS policy 3.10.1 may be retained.

BS policy 3.10.1.1 states that development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County.

BS policy 3.10.1.1 may be retained.

BS policy 3.10.1.3 states that the County shall maintain an identification survey and inventory program of historical sites and shall maintain a registry program to protect and preserve historical land-mark sites and districts.

BS policy 3.10.1.3 may be retained.

BS policy 3.10.1.4 states that designated historical sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties..

BS policy 3.10.1.4 may be retained.

COASTAL IMPLEMENTATION PLAN

IP Ch. 20.54 has regulations for Historic Resource zoning districts, a combining (i.e., overlay) district. Based on Ch 18.25, which is not part of the LCP.

COASTAL IMPLEMENTATION PLAN

Revise IP consistent with above recommendations; clarify status of Ch. 18.25 (e.g., indicate it doesn't apply in coastal zone; incorporate into LCP; or integrate with Ch 20.54); include historic review and development standards that are applicable coastal zone wide.

Add a provision so the Director of Planning and Building Inspection may grant an exception to the zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a structure designated as historically significant. Such exceptions may include, but are not limited to, parking, yards, height, and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations nor that would be inconsistent with Land Use Plan policies.

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<p>Section 20.54.030.C limits designated sites to being on a register.</p> <p>Section 20.54.060.C states that the decisions shall not deprive the applicant of the uses allowed in the underlying zoning district, nor will mitigation measures or conditions be applied which will render the applicant’s project infeasible, or require the applicant to preserve or maintain the resource without viable use or economic return.</p> <p>Section 20.54.060 allows an application to be approved if the action is necessary to correct an unsafe or dangerous condition of the property and such unsafe or dangerous condition has not been ordered to be corrected pursuant to Section 18.25.160 (which states: The provisions of this Chapter shall not be construed to prevent any construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures are necessary to correct such condition, or in instances of natural disaster, where the State Office of Historic Preservation determines, pursuant to Public Resources Code Section 5028, as amended, that a structure should be demolished, destroyed, or significantly altered.)</p> <p>Moss Landing IP section 20.144.160.D.2.b requires identification of architectural resources.</p> <p>Moss Landing IP section 20.144.160.D.2.b requires owners of historic properties to request HR zoning.</p> <p>Moss Landing IP section 20.20.070.H has design standards to conform to the early American style.</p> <p>Big Sur IP Section 20.145.020.TT defines “Historical Site” as a site which has been included on the County's list of adopted historical sites,</p>	<p>Revise Section 20.54.030.C to be consistent with recommendations for identifying historic resources above.</p> <p>Revise Section 20.54.060.C to be consistent with recommendations for preserving historic resources above. Revise to state that applicant shall be allowed a use (but not necessarily any use) specified in the underlying zoning district; that if mitigation measures or conditions are required to protect historic resources, then they be tied to a feasible project (but not necessarily what the applicant originally proposed); and that viable economic return be related to the current use and condition of the building.</p> <p>Revise Section 20.54.060 to ensure that demolitions are not allowed where other feasible corrective measures are available and that demolition orders can be stayed (and the dangerous condition stabilized or isolated) in order to give time to work out measures to preserve historic elements.</p> <p>Revise Moss Landing IP section 20.144.160.D.2.b to require such rezonings.</p> <p>Revise Big Sur IP Section 20.145.020.TT to be consistent with General Plan Update definition and not preclude sites that meet historical criteria</p>
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<p>due to its national, state or local significance as an historical or cultural resource. As of July, 1986, Big Sur Coast sites on the County's list include Big Sur Inn, Bixby Creek Bridge, Gamboa homestead, Grimes homestead, Idlewilde Hotel, Kino mine, Kirk Creek campground, Mansfield/Manchester, Molera Ranch, Notley's Landing, Palo Colorado School, Partington homestead, Point Sur Lighthouse, Post homestead, Slate's Hot Springs, and Yankee Point coal mines.</p> <p>Big Sur IP section 20.145.110.B requires an historic site survey where historic resources exist or are suspected.</p> <p>Big Sur IP sections 20.145.110.C.1 & 2 have criteria to carry out LUP policies.</p> <p>Big Sur IP section 20.135.110.C.3 requires referral to the County Historical Resources Review Board.</p> <p>Big Sur IP section 20.1145.110.C. 4 requires rezoning of parcels with historic resources to "HR" overlay.</p>	<p>but are not yet on the County's list.</p> <p>Retain Big Sur IP section 20.145.110.B, revise to be consistent with policy recommendations, and apply coastal zone wide.</p>
<p>ISSUE SR-2: Air Space Protection in Critical Viewshed Ensure that structures in the Carmel Area public viewshed and Big Sur critical viewshed do not become taller through future additions where such development would conflict with Coastal Act scenic protection policy.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: While the LCP has many good viewshed protection policies, long-term protection against increased heights may be compromised by general height limits not tailored to specific areas, statutory exemptions for some additional development, and new expectations of property owners. To ensure permanent protection of sensitive viewshed land, the County has typically required permanent protection in the form of scenic easements. Also, the mandate for easements is found in the zoning, not explicitly in the land use plan. And, to date, this concept has not been extended to prevent additional height.</p> <p>To date the General Plan Update also has general viewshed</p>	<p>Summary: Add a provision clarifying that scenic easements can also be required to prevent additional height that would conflict with view protection policies.</p>

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protection policies, but does directly address this issue.

GENERAL PLAN UPDATE

GPU Policies ER-10.1 through ER-10.4 require protection of views from important public viewing points; scale in character of scenic areas; no new structures on ridgelines within critical viewsheds; and limits to topographic alteration.

GPU Policy ER-10.3 limits the height of any new structure that is visible within a high sensitivity viewshed area, to a single-story above the natural elevation.

GPU Policy Big Sur ER-18 states the County’s objective is to preserve Big Sur’s scenic resources and promote restoration of the natural beauty of visually degraded areas wherever possible.

COASTAL LAND USE PLANS

Big Sur Land Use Plan

Big Sur LUP Basic Objective 2.2.2.: Coastal Scenic Resources. Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote, wherever possible, the restoration of the natural beauty of visually degraded areas.

The County's basic policy is to prohibit all future public or private development visible from Highway 1 and major public viewing areas.

Big Sur LUP Key Policy 3.2.1 states: Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan.

GENERAL PLAN UPDATE

COASTAL LAND USE PLANS

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<p>Big Sur LUP Policy 3.2.3(A)(1) requires all new parcels to contain building sites outside the critical viewshed.</p> <p>Big Sur LUP Policy 3.2.3(A)(7) indicates replacement of structures lost to fire or natural disaster within the critical viewshed, shall be encouraged for resiting/redesign in order to conform to Key Policy 3.2.1, [carried over to GPU as Big Sur ER-18].</p> <p>Big Sur LUP Policy 3.2.3(A)(8) indicates that landowners will be encouraged to grant scenic easements to the County over portions of their land in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>Big Sur Coastal Implementation Chapter</u> Big Sur IP Section 20.145.030(A)(1)(b) precludes ocean views from being obscured by artificial berming, mounding, or landscaping; subsection 2 of this Section requires all new created parcels to contain building sites outside the critical viewshed.</p> <p>Big Sur IP Section 20.145.030(A)(2)(f) states replacement of a structure be resited or redesigned to better conform the intent of this section. Replacement or enlargement of existing structures or structures lost to fire or natural disaster within the critical viewshed shall be permitted on the original site, provide no other less visible portion of the site is acceptable to the property owner, and replacement or enlargement does not increase visibility of the structure.</p> <p>Big Sur IP Section 20.145.030(A)(2)(g) states landowners are required to grant scenic easements to the County over portions of their land in the critical viewshed, as a condition of approval.</p>	<p>Add a second sentence to Big Sur policy 3.2.3(A)(8) that states: As a condition of permits issued for parcels where additional development would be in the critical viewshed, a scenic easement shall be required to prevent future incursions into the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>(Note: recommendations may be forthcoming on this Big Sur IP Section 20.145.030(A)(2)(f) and related ones as a result of future evaluation of Big Sur viewshed policies.)</p> <p>Add to IP Section 20.145.030(A)(2)(g) where scenic easements are required to include airspace over approved development, where increased height would be visible</p>
<p>ISSUE SR-3: Undergrounding Utilities Ensure that undergrounding is required where appropriate to protect coastal views.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary Comment: The current LCP has policies that require undergrounding of utility lines in certain instances. Each segment has slightly different standards, which to the extent that they reflect the different sensitivity of the scenic resource is appropriate. But exception terms (i.e., where cannot be undergrounded or where overriding natural and physical constraints exist) leave room for inconsistent discretion that could result in potential viewshed impacts.

To date the General Plan Update has a welcome policy to prohibit new above ground utilities.

GENERAL PLAN UPDATE

GPU: Policy HS-1.6 precludes new aboveground utilities.

COASTAL LAND USE PLANS

No. County LUP

No Co Policy 2.2.3(5) states new overhead utility and high voltage lines that cannot be placed underground should be routed to minimize environmental and scenic impacts.

DMF LUP

DMF Policy 53 requires utility lines to be placed underground except where it can be shown that the lines are hidden in existing tree cover, thereby minimizing removal of mature trees.

Carmel Land Use Plan:

Carmel Policy 2.2.2 requires all utilities to conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

Carmel Policy 2.2.4(11) states existing power lines running along Highway 1 between Point Lobos and Malpaso Creek and along San Jose Creek beach should be re-routed out of the viewshed or placed underground. New overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Water lines

Summary: Retain policies to require undergrounding of utilities, but clarify some exception criteria..

GENERAL PLAN UPDATE

Adopt GPU Policy HS-1.6

COASTAL LAND USE PLANS

Replace language in No Co policy 2.2.3.5 with current IP language: Require all new utility and transmission lines to be placed underground; except if placement underground is not feasible, placement would not adversely affect visual impacts; or overhead utilities better meet resource protection policies.

Retain DMF LUP Policy 53.

Retain Carmel LUP policy 2.2.2.

Retain Carmel Policy 2.2.4(11).

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and drainage pipes should be buried or otherwise obscured by vegetation.

Big Sur LUP Policy 3.2.5(D) states “it is the County’s intent that utilities be installed underground. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist.” Requires placement of poles in the least conspicuous locations out of the public, and where possible private view. Policy further indicates that transmitter towers and power facilities must not appear in the critical viewshed. Same language for water lines/underground conduits as listed in Carmel LUP.

COASTAL IMPLEMENTATION PLAN

North County IP: Section 20.144.030(B)(9) requires all new utility and transmission lines to be placed underground; except if placement underground is not feasible, placement would not adversely affect visual impacts; or overhead utilities better meet resource protection policies.

DMF IP: Section 20.147.070(B)(1) requires underground utilities in all new developments except where it can be shown that the lines can be hidden in existing tree cover; a request for waiver is required according to criteria listed.

Carmel IP: Section 20.146.030 requires utilities to conform to policy of minimum visibility, except where otherwise noted in the ordinance. Subsection B allows new overhead power or telephone lines to be considered instead of underground utilities only where overriding natural or physical constraints exist. An applicant is required to follow process for requesting a waiver that will ultimately be decided at the time of a public hearing.

Big Sur IP: Section 20.145.030(B)(4) requires utilities to be installed underground except where overriding natural or physical constraints exist; e.g., slopes over 30%, landmark trees, or ESHA.

Retain Big Sur Policy 3.2.5(D).

COASTAL IMPLEMENTATION PLAN

Add to Section 20.144.030(B)(9) criteria for determining feasibility of undergrounding and criteria for determining how overhead utilities better meet resource protection policies (e.g., slopes over 30%, landmark trees, or ESHA)

Retain Section 20.147.070(B)(1).

Add to Section 20.146.030 examples of overriding constraints (e.g., slopes over 30%, landmark trees, or ESHA).

Retain Section 20.145.030(B)(4)

ISSUE SR-4: Views from Offshore

Ensure that important views from the beach and ocean are protected.

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has many viewshed protection policies. However, they do not specifically identify the ocean waters as vantage points in applying these policies. Only North County and Big Sur and to some extent Carmel identify beaches as vantage points. Thus, there could be some development approved that would be intrusive to beach goers or ocean users.</p> <p>To date the General Plan Update has a welcome policy on protecting public views from the beach in North County.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-10.1 requires development projects in scenic resource areas to protect views from public areas including beaches "...and waters used for recreational purposes." Standard used for measuring impacts to visual resource is whether any portion of the proposed development is visible from the scenic road or major public viewing areas as identified in the critical viewshed (i.e., scenic viewshed map).</p> <p>GPU Area Section Policy N. County ER-17 requires protection of views from public beaches.</p> <p><u>COASTAL LAND USE PLANS</u></p>	<p>Summary: Adopt policy to protect views from the beach and ocean.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU policy ER-10-1 with regard to protecting views from beaches and waters used for recreational purposes. For such views clarify what the scenic resource areas are to protect and what constitutes protection as follows:</p> <ol style="list-style-type: none"> 1. for ridgeline development: include in the definition of a ridgeline, beach and waters used for recreational purposes as vantage points and then apply ridgeline policies (see also Recommendations for Issue SR-8 Ridgetop Development); 2. for development in areas south of the Carmel River that appear undeveloped from beaches or waters used for recreational purposes: after applying the LCP's current viewshed protective measures the development would still be visual from the beach or offshore, require additional screening or other design mitigations to reduce visibility; 3. for infill development require that it appear in character with the surrounding development visible from beaches (other than North County [which has its own policy]) and offshore. <p>Adopt an action for the County to empower its Land Use Advisory Committees for the coastal zone area to determine whether to recommend more precise design guidelines for infill development visible from beaches or offshore.</p> <p><u>COASTAL LAND USE PLANS</u></p>

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No. County Land Use Plan

No Co Policy 2.2.2.1 states: that views to and along the ocean shoreline from Highway One, Molera Road, Struve Road and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points shall be protected.

Del Monte Forest Land Use Plan

DMF LUP Policy 51 states that areas within visually prominent settings identified on the LUP Visual Resources Map should be developed so that the lot and/or buildings are situated to allow the highest potential for screening. The LUP Visual Resources Map does include the area visible from Point Lobos across Carmel Bay (meaning that it would also cover the offshore waters from Carmel River State Beach).

Carmel Land Use Plan

Carmel overview section 2.2.1 states that in the following policies, the term "viewshed" or "public viewshed" refers to the composite area visible from major public use areas including 17-Mile Drive views of Pescadero Canyon, Scenic Road, Highway 1 and Point Lobos Reserve as shown on Map A.

Map A shows the viewshed as seen from public lands including Carmel City Beach

Carmel LUP Key Policy 2.2.2 states that to protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

Carmel Policy LUP 2.2.3(2) states new development on the beaches and bluffs of Carmel River State Beach shall be out of the public viewshed.

Big Sur Land Use Plan

Big Sur LUP Policy 3.2.2.1 defines the critical viewshed as everything

Retain No Co Policy 2.2.2(1)

Retain beach component of critical viewshed definition in Big Sur LUP

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<p>within sight of Highway 1 and major public viewing areas including turnouts, beaches...</p> <p>Big Sur LUP Key Policy 3.2.1 states that it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>No. County IP:</u> No Co IP Section 20.144.020.SSS defines public viewshed to include composite area visible from beaches.</p> <p>No Co IP Section 20.144.020.TTT defines public viewing area as any area open to the public such as a public road or public lands.</p> <p>No Co IP Section 20.144.030.B.2 requires maximum screening of development within view of public beaches and other design modifications to minimize visual impact.</p> <p>No Co IP Section 20.144.030.B.6 contains standards for ridgeline development.</p> <p>No Co IP Section 20.144.030.B contains visual protection provisions.</p> <p><u>DMF IP Chapter</u> DMF IP Section 20.147.070.C.3 contains standards for ridgeline development.</p> <p>DMF IP Section 20.147.070.C contains visual protection provisions.</p> <p><u>Carmel IP Chapter:</u></p>	<p>Policy 3.2.2.1</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add to Section 20.144.020.SSS, “identified waters used for public purposes.”</p> <p>Retain No Co IP Section 20.144.030.B.2 as it pertains to views from public beaches.</p> <p>Revise No Co IP Section 20.144.030.B.6 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to No Co IP Section 20.144.030.B a provision to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes.</p> <p>Revise DMF IP Section 20.147.070.C.3 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to DMF IP Section 20.147.070.C a provision to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes.</p>
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<p>Carmel IP Section 20.146.010.Z defines public viewshed to include composite area visible from public beaches.</p> <p>Carmel IP Subsection 20.146.030.A requires on-site inspection by the project planner to determine whether project is in the public viewshed.</p> <p>Carmel IP Section 20.146.030.C contains visual protection provisions.</p> <p>Carmel IP Subsection 20.146.030.C.5 contains standards for ridgeline development, defined as when viewed from a common public viewing area.</p> <p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.020.V defines critical viewshed as everything within sight of Highway 1 and major public viewing areas including turnouts, beaches...</p> <p>Big Sur IP Section 20.145.020.AAAA defines public viewing area as any area open to the public such as a public road or public lands.</p> <p>Big Sur IP Section 20.145.030.A.2 contains standards for development in the critical viewshed.</p> <p>Big Sur IP Section 20.145.030.A.3 contains standards for development not within the critical viewshed.</p>	<p>Add to Carmel IP Subsection 20.146.030.A also to determine if project is visible from “identified waters used for public purposes.”</p> <p>Add to Carmel IP Section 20.146.030.C provisions to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes and to carry out the recommended policy for development in areas south of the Carmel River that appear undeveloped from beaches or waters used for recreational purposes.</p> <p>Revise Carmel IP Subsection 20.146.030.C.5 to add when viewed from “identified waters used for public purposes” as well.</p> <p>Add to Big Sur IP Sections 20.145.030.A.2 & A.3 provisions to carry out the recommended policy for infill development to appear in character with the surrounding development visible from identified waters used for public purposes and to carry out the recommended policy for development in areas that appear undeveloped from beaches or waters used for recreational purposes, provided that the critical viewshed provisions are not violated.</p>
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ISSUE SR-5: Cellular Towers
Ensure that cellular towers are appropriately regulated for their adverse visual and other potential impacts.

County Policies and Comments

Recommendations

NOTE: This report is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

Summary Comment: The County amended the LCP to address most of the issues associated with wireless communication facilities. However, the new Wireless Communications Facilities ordinance does allow some potential visual impacts to occur in the public viewshed. New technologies exist for camouflaging wireless communication facilities that could address this circumstance.

To date the General Plan Update has a welcome, but general policy on this topic.

GENERAL PLAN UPDATE

GPU Policy ER-10.9 states that in rural scenic resource areas, satellite-receiving dishes, cellular radio or phone towers and similar devices, shall be sited so they are not immediately visible from scenic roads, highways, and public viewing areas. The facilities may be located within a scenic viewshed so long as their visual impact is minimized and/or they are viewed as distant objects.

COASTAL LAND USE PLANS

North County LUP has no specific cell tower policies.

Del Monte Forest LUP has no specific cell tower policies.

Carmel LUP

Carmel LUP action 2.2.5.3 states that property owners in the Highway 1 viewshed between Point Lobos and Malpaso Creek shall be encouraged to find alternative locations for antennas so that they are out of view from Highway 1 and public viewing areas.

Big Sur LUP

Big Sur LUP policy 3.2.5.D states in part that transmitter towers and power facilities must not appear in the critical viewshed.

COASTAL IMPLEMENTATION PLAN

IP Section 20.64.310 contains regulations for siting, design, & construction of wireless communication facilities: allow wireless communications facilities on any lot or parcel in any zoning district,

Adopt policy that requires the use of latest technologies for reducing visual impacts such as camouflaging techniques.

GPU Policy ER-10.9 may be adopted provided it is clear that it does not supersede ridgetop development and Big Sur critical viewshed policies.

Add an action for the County to prepare and update a guidance document regarding siting and designing wireless communication facilities.

COASTAL IMPLEMENTATION PLAN

Add to IP Section 20.64.310 language that requires the use of latest technologies for mitigating adverse visual impacts through appropriate camouflaging or utilization of stealth techniques (e.g., “micro-cell”

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<p>subject to a Coastal Administrative Permit or a Coastal Development Permit; co-location is encouraged when it will decrease visual impact, and discouraged when it will increase visual impact; requires screening from any designated scenic corridors/public viewing areas; wireless communication facilities are subject to the Big Sur Coast Land Use Plan viewshed policies; special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.</p> <p>IP Section 20.64.310.H.1 states the wireless communication facilities shall not significantly impact public views to the ocean; subsection H.1.d states that they should always be sited below the ridge line where possible; subsection H.1.e states that they shall be screened from any designated scenic corridors or public viewing area to the maximum extent feasible.</p> <p>Big Sur IP Section 20.14.5.030.B.4 contains criteria for allowing utilities in the critical viewshed similar to BS Policy 3.2.5.D.</p>	<p>facility-types that can be mounted upon existing utility poles, telecommunication towers designed to look like trees, rooftop or other building mounted antennas designed to blend in with the building’s existing architecture) in cases where wireless communication facilities are allowed within the defined public viewshed.¹⁸</p>
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ISSUE SR-6: Landmark Trees
Ensure that landmark trees are adequately protected for their scenic value as well as their possible habitat value consistent with Coastal Act sensitive habitat policy 30240.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Landmark tree protection is included in the current LCP for all four segments. However, there are some internal inconsistencies and variations among the different provisions. While some of these differences may be justified, such as having a different age criteria in Big Sur where redwoods predominate, in general they create confusion and may not result in the level of protection that should be given.</p>	<p>Summary: Adopt uniform definition for landmark trees, process for determining what are landmark trees, and protective policies.</p>

¹⁸ In other geographic areas, cell towers are required to be camouflaged inconspicuous and blend in with surrounding vegetation. For example, in the Puget Sound area, where tall evergreen trees are dominant, monopole cell towers are disguised as native trees. In Aptos, a monopole cell tower resembles the native redwood trees. In parts of Southern California, some cell towers resemble date palms such as those used for landscaping along freeways and blend in with the landscape. Other techniques include integrating panel antennas into building facades: See also, Pacific Bell Mobile Services, “Design Guidelines for Wireless Communication Facilities” and San Diego Association of Governments (SANDAG) , “SANDAG Draft Wireless Communication Facilities Issues Paper.”

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To date, the General Plan Update also contains landmark tree protection, but does not resolve all of the internal inconsistencies noted above.

GENERAL PLAN UPDATE

GPU: Policy ER-3.6 is the same as Big Sur LUP policy 3.5.2.4 except uses a 100 year criteria.

GPU Policy Big Sur-ER-2 definition includes trees over 1000 years old (vs. 100 y.o.).

COASTAL LAND USE PLANS

No. Co. Land Use Plan

NO Co policy 2.2.2(5) related to protection of tree removal; 2.2.3(6) allows removal of landmark trees in accordance w/ Sections 2.3.2, 2.3.3, 2.6.2 & 2.6.3 (& indicates a tree ordinance will be developed). (Note: these existing policies do not appear to specifically regulate landmark trees.)

Del Monte Forest Land Use Plan

DMF Policy 37 defines and protects: “Landmark trees defined as visually, historically, or botanically significant specimens shall be protected as representative of the Del Monte Forests natural heritage. Landmark trees include those shown on the Figure 2A of this Plan as

GENERAL PLAN UPDATE

Proposed GPU: Policy ER-3.6 can be adopted but should be modified to also include the 24-inch size criteria, found in the current LCP and in the GPU definition section. Given that aspects of the landmark tree definition are not quantifiable, Policy ER-3.6 needs to include a process to determine which trees meet those aspects of the definition.

Given the large size of the County, identification of landmark trees will occur on a case-by-case basis, but the GPU could contain an action item in the GPU to identify and inventory landmark trees.

Proposed GPU Policy Big Sur-ER-2 is mostly repetitive of GPU ER-3.6, and therefore does not need to be adopted as written. However, since redwoods predominate in Big Sur and there are many over 100 years old, there could be a Big Sur only policy giving criteria for which redwood trees between 100 & 1000 years old would not be considered “landmarks.”

COASTAL LAND USE PLANS

DMF LUP policy 37 needs to be retained as a qualification to the coastal zone wide policy, since landmark tree identification has already occurred in DMF.

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shaded or asterisked; the Monterey cypress grove in the Pescadero Point/Cypress Point area, shown on Figure 2 and any Coast live oak over 24 in diameter.

DMF Ch 7 OSAC Plan p. 46 protects landmark trees at Shepherds Knoll except for disease, danger, condo construction & roads

Carmel LUP Policies: 2.3.4(2), (8), (9), & (10) are protective of specific indigenous species; do not mention landmark trees specifically.

Big Sur LUP Policy 3.5.3.4: states “Landmark trees of all species shall be protected in perpetuity as significant features...” Defines them as visually significant, historically significant, exemplary of its species, or more than 1000 years old.

COASTAL IMPLEMENTATION PLAN

No. County IP: Section 20.144.020.BBB Definition same as in Big Sur LUP with the additional criteria of > 24” in diameter. Section 20.144.050.C.1 protects landmark trees with exceptions for in public right of way, no alternatives to development; or maintaining existing agricultural operations. However, definition is different >36” for eucalyptus or Monterey pine; > 24” for all others.

DMF IP: Section 20.147.020.O same definition as No Co. Attachment 1 protects landmark trees under this definition except in cases of threatening disease or immediate danger; hence doesn’t reflect LUP policy specificity.

Carmel IP: Section 20.146.020.Same definition as No Co. In Section 20.146.060.D.1 landmark trees are protected; exception of public right-of-way, no alternatives to development. Attachment A has different exception criteria: Landmark trees are protected except in cases of threatening disease or immediate danger.

Big Sur IP: Section 20.145.020.ZZ; same definition as No Co Section 20.145.060(D)(1) precludes removal of all landmark trees, w/exception to public right-of-way (criteria listed). Attachment 1 has different exception

Update DMF Ch 7 OSAC Plan p. 46 so that no additional landmark trees are allowed to be removed except as consistent with these recommendations.

COASTAL IMPLEMENTATION PLAN

Make the definitions and ordinance provisions of the IP consistent with the GPU/LUP policy. The exception criteria should all be the same: disease and danger. There should not be exceptions for public rights of way nor to accommodate development, unless the tree is a non-native. If a tree is in a public right of way for a long enough time to be considered a landmark, and hence access has occurred despite it, then it deserves permanent protection. Developments should be able to accommodate landmark trees as well, but in the rare case where there is no way they can, an exception provision is already available under IP Section 20.02.060.

Add into the IP a process for determining what is a Landmark Tree. Except in No Co this would be done through the Forest Management Plan; North County needs a similar process. Additional guidance could be provided in the IP’s Forest Management Plan provisions for what is historically significant e.g.,

- (1) Planted as a commemorative;
- (2) Planted during a particularly significant historical era; or
- (3) Marking the spot of an historical event.

And for what is exemplary of its species e.g.,

- (1) Unusually beautiful or distinctive;

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criteria. Landmark trees are protected except in cases of threatening disease or immediate danger.

- (2) Distinctive specimen in size or structure for its species
- (3) Identified as having significant arboricultural value to the citizens of the County.¹⁹

Adopt an action item for the County to employ a forester to make recommendations as to Landmark Trees and to review Forest Management Plans.

Summary Table of Landmark Tree Provisions in LCP:

	No Co	DMF	Carm el	Big Sur
Defined as visually significant	yes	yes	yes	yes
Defined as botanically significant	yes	yes	yes	yes
Defined as historically significant	yes	yes	yes	yes
Defined as >24"	Yes (>36" for eucalyptus)	yes	yes	yes
Defined as >1000 yrs old	yes	yes	yes	yes
Specific trees identified	no	yes	no	no
Exception for public right-of-way	yes	no	yes	yes
Exception for no alternative to development	yes	no	yes	no
Exception for disease	no	yes	yes	yes
Exception for danger	no	yes	yes	yes
Exception for maintaining ag	yes	no (N/A)	no	no

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ISSUE SR-7: Critical Viewsheds

Ensure that critical viewshed type policies (i.e., those that basically prohibit visible development) are applied to appropriate rural areas, consistent with Coastal Act scenic protection policies, and that landscape screening techniques which are allowed are not themselves visually intrusive.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: All segments contain descriptions of areas where new development would potentially adversely impact scenic resources. For Big Sur most new visible development is prohibited in the defined critical viewshed. In this spectacular setting screening is not allowed to render the development invisible because it is subject to change (trees can die or be cut) and in itself may be unnatural. In the remaining coastal zone, such a high level of protection is not required because it is not warranted under the Coastal Act. The unincorporated area of Carmel south of the Carmel River has a similar, but slightly less stringent, policy to Big Sur's (except for the beach bluffs) in that development within the defined public viewshed can be screened and exceptions are allowed to prevent Constitutional takings. Del Monte Forest and North County have visual protective policies that emphasize location, design, and screening, rather than outright prohibition, except for North County's beaches, dunes, estuary, and wetland areas. This is appropriate given their more built out status. However, some landscape screening provisions could lead to unnatural looking landscapes, potentially conflict with Coastal Act habitat protection policies, and lose effectiveness over time. Also, some provisions to ensure that newly created lots are not problematic with regard to visual resource protection, leave open the possible use of inappropriate screening.</p> <p>To date the General Plan Update has some welcome general policies on this subject, but not as detailed as the current LCP.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-10.1 states that development projects in scenic resource areas shall be required to protect mountain, ocean, and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, streams, and waters used for recreational purposes. The</p>	<p>Summary: Revise to clarify that, first, new lots should not be created if the resulting development can not meet policies; second, that development needs be sited appropriately; third, that necessary design modifications should be required; and, fourth, that any landscape screening be appropriate and required to be maintained. Revise Carmel Area policy to be more favorable to totally hiding new development in the uplands.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-10.1 may be adopted, provided it is cross-referenced with the coastal zone definitions of what constitutes the scenic areas. Clarify what last phrase ("in the critical viewshed") means or delete it.</p>

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standard to be used in determining impacts to visual resource areas is whether any portion of the proposed development is visible from the scenic highway, or major public viewing areas, as identified in the critical viewshed.

GPU Policy ER-10.2 states that development projects within scenic areas shall be designed to be in scale with or subordinate to the character of the scenic resource area. Elements within highly scenic areas that make up scenic qualities, such as large trees, rock formations, watercourses, bridges, and natural terrain, shall be protected. Use of reflective surfaces shall be minimized.

COASTAL LAND USE PLANS

North County Land Use Plan:

No Co. Key Policy 2.2.1 states development should be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas.

No Co Policy 2.2.2(1) protects views to and along the ocean shoreline from Highway 1, Molera Rd., Struve Rd., and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points.

No Co Policy 2.2.2.2 states: The coastal dunes and beaches, estuaries, and wetlands, should be designated for recreation or environmental conservation land uses that are compatible with protection of scenic resources. Facilities that are provided to accompany such uses shall be designed and sited to be unobtrusive and compatible with the visual character of the area.

No Co. Policy 2.2.2(3) states that property containing land on scenic slopes, hills, and ridgelines when proposed for subdivision, should be subdivided so that the lots are situated to allow the highest potential for screening development and access roads from view. Further, the policy states lots and access roads should be sited to minimize tree removal and visually intrusive grading during development.

No Co Policy 2.2.2(4) states the least visually obtrusive portion of a parcel should be considered the most desirable site for the location of

GPU Policy ER-10.2 may be adopted, provided it is clear that it does not pre-empt the more stringent Big Sur critical viewshed policy.

COASTAL LAND USE PLANS

Revise No. County Policy 2.2.1 to use “shall” vs. “should.”

Retain No Co Policy 2.2.2(1).

Retain No Co Policy 2.2.2.2.

Clarify that No Co. Policy 2.2.2(3) applies to natural screening (and not the potential to be artificially screened) and add the following: Do not allow new lots to be created within identified visually prominent settings without ensuring that subsequent development (including roads) would comply with all scenic protection policies.

Revise No Co. Policy 2.2.2(4) to change “should” to “shall.”

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new structure. The policy further states structures should be located where existing topography and vegetation provide natural screening.

No Co Policy 2.2.2(5) states that structures should be located to minimize tree removal, and grading for the building site and access road. Disturbed slopes should be restored to their previous visual quality. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area.

Del Monte Forest Land Use Plan

DMF LUP Policy 51 states that areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads.

DMF LUP Policy 55 states that areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50 [feet]), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

DMF LUP Policy 56 states that design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening.

DMF LUP Policy 57 states that structures in scenic areas shall utilize native vegetation and topography to provide screening from the viewing

Revise end of No Co Policy 2.2.2(5) as follows: Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area. Landscape screening shall be planted in an appropriate manner and required to be maintained over the life of the project.

Revise DMF LUP Policy 51 to apply to subdivision: Do not allow new lots to be created within identified visually prominent settings without ensuring that subsequent development (including roads) would comply with all scenic protection policies. (Note: new buildings and roads would be covered by other Plan policies; see recommendations for Policies 56 & 57).

Revise DMF LUP Policy 55 last sentence to apply to all new development (e.g., including roads) and add in “feet.”

Revise DMF LUP Policies 56 & 57 to apply to all new development (e.g., including roads) and give siting priority over design modifications. The siting of new development in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, dunes or shoreline. Siting shall utilize native vegetation and topography to provide screening from the viewing area. In such instances, the least visible portion of the property shall be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).

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area. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).

Carmel Land Use Plan

Carmel LUP Section 2.2.1 and Map A define the public viewshed, major public viewpoints and viewing corridors.

Carmel LUP Key Policy 2.2.2 states that to protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

Carmel LUP Policy 2.2.3.2 states that new development on the scenic beaches and bluffs of Carmel River State Beach shall be located out of the public viewshed.

Carmel LUP Policy 2.2.3.3 states that new development on slopes and ridges within the public viewshed shall be sited within existing forested areas or in areas where existing topography can ensure that structures and roads will not be visible from major public viewpoints and viewing corridors. Structures shall not be sited on non-forested slopes or silhouetted ridgelines. New development in the areas of Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. In all cases, the visual continuity and natural appearance of the ridgelines shall be protected.

Carmel LUP Policy 2.2.3.5 states that new subdivision which creates

New development, including fences, shall be subordinate to and blended into the natural environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Screening shall be accomplished with native vegetation and shall not be the sole means of achieving compliance with this policy. Landscape screening shall be planted in an appropriate manner and required to be maintained over the life of the project.

Retain Carmel LUP Section 2.2.1 and Map A definitions.

Retain Carmel LUP Key Policy 2.2.2

Retain Carmel LUP Policy 2.2.3.1.

Retain Carmel LUP Policy 2.2.3.3.

Retain Carmel LUP Policy 2.2.3.5.

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commitment to new development of the coastal hills and ridges east of Highway 1 shall be permitted only where every parcel to be created has an adequate building site that cannot be seen from public viewing points and corridors. New lots and access shall also be designed to minimize tree removal and visually intrusive grading.

Carmel LUP Policy 2.2.3.6 states that structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.

Carmel LUP Policy 2.2.3.7 states that structures shall be located and designed to minimize tree removal and grading for the building site and access road. Where earth movement would result in extensive slope disturbance or scarring visible from public viewing points and corridors, such activity will not be allowed. Extensive landform alteration shall not be permitted.

Carmel LUP Policy 2.2.3.8 states that landscape screening and restoration shall consist of plant and tree species consistent with the surrounding vegetation. Screening on open grassy slopes and ridges should be avoided.

Carmel LUP Policy 2.2.4.2 states that sites for new structures shall be selected to avoid the construction of visible access roads and reduce the extent of environmental and engineering problems resulting from construction.

Carmel LUP Policy 2.2.4.5 states that new roads will be considered only where it has been demonstrated that the use of existing roads or driveways is not possible or that rights-of-way for use of a common road are demonstrated to be unobtainable.

Carmel LUP Policy 2.2.4.6 states that the existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall

Retain Carmel LUP Policy 2.2.3.6

Retain Carmel LUP Policy 2.2.3.7

Retain Carmel LUP Policy 2.2.3.8

Retain Carmel LUP Policy 2.2.4.2.

Retain Carmel LUP Policy 2.2.4.5.

Retain Carmel LUP Policy 2.2.4.6.

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<p>be sufficiently set back to preserve the forested corridor effect and minimize visual impact.</p> <p>Carmel LUP Policy 2.2.4.10.a states that on ridges, buildings shall be sufficiently set back from the precipice to avoid silhouetting and to be as visually unobtrusive as possible. Buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. Buildings should not be located on slopes exceeding 30 percent, except when all other plan guides are met and siting on slopes over 30 percent better achieves siting consistent with the policies of the plan.</p> <p>Carmel LUP Policy 2.2.4.10.c states that structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in “earth” tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.</p> <p>Carmel LUP Policy 2.2.4.10.e states that existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.</p> <p>Carmel LUP policy 4.4.2.6 states that development of undeveloped parcels south of the Carmel River shall be permitted only if structures can be located, designed, or screened to be outside of the public viewshed.</p> <p><u>Big Sur Land Use Plan</u> Big Sur LUP Section 3.2.2.1 defines “critical viewshed” as everything in sight of Highway One and major public viewing areas including turnouts, beaches and other noted specific locations.</p> <p>Big Sur LUP Policy 3.2.3(A)(1) requires all new parcels to contain building sites outside of the critical viewshed.</p>	<p>Retain Carmel LUP Policy 2.2.4.10.a</p> <p>Retain Carmel LUP Policy 2.2.4.10.c.</p> <p>Retain Carmel LUP Policy 2.2.4.10.e.</p> <p>Revise Carmel LUP policy 4.4.2.6 to give first priority to locating structures outside of the public viewshed east of Highway One outside of the Carmel Highlands enclave.</p> <p>Retain concept of Big Sur critical viewshed protection. (Note: Additional recommendations may be forthcoming as a result of future evaluation of the effectiveness of policies in protecting the critical viewshed.)</p> <p>Retain Big Sur LUP Policy 3.2.3(A)(1)</p>
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Big Sur LUP Policy 3.2.4.A.1 states that outside of the critical viewshed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

Retain Big Sur LUP Policy 3.2.4.A.1

Big Sur LUP Policy 3.2.4.A.2 states that new applicants, when selecting a building site outside of the critical viewshed, must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

Retain Big Sur LUP Policy 3.2.4.A.2

Big Sur LUP Policy 3.2.4.A.3 states that new development outside of the critical viewshed should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

Retain Big Sur LUP Policy 3.2.4.A.3.

Big Sur LUP Policy 3.2.4.A.4 states that outside of the critical viewshed landscape screening may be used wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species.

Retain Big Sur LUP Policy 3.2.4.A.4.

Big Sur LUP Policy 3.2.4.A.5 states that outside of the critical viewshed sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction.

Retain Big Sur LUP Policy 3.2.4.A.5

COASTAL IMPLEMENTATION PLANS

COASTAL IMPLEMENTATION PLANS

Add the following to apply to all segments: Where biologic reports are required and landscaping is likely to occur, require the biologic report to

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<p><u>North County Implementation Section</u> No Co IP Section 20.144.020.TTT defines Public Viewing Area as any area open to the public, such as a public road or public lands.</p> <p>No Co IP Section 20.144.030.B.1 states that subdivision of parcels containing areas visible from a public viewing area shall minimize the development's visibility from the viewing areas by incorporation of appropriate planning techniques. Such techniques shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. lot configurations which provide highest potential for each lot's building site to be screened by existing topography and vegetation; b. specified building sites and new access road locations that allow for natural screening by existing topography and vegetation, minimized grading, minimized tree removal, and development on less than 25% slopes; c. clustering of structures, with wooded hills and ridges placed in open space lots or scenic easement. <p>No Co IP Section 20.144.030.B.2 similar to No Co policies 2.2.2.1 & 2.2.3.3 & 2.2.2.5; references Attachment 3 for list of native plants to use for landscape screening.</p> <p>No Co IP Section 20.144.050.B.4 states that structures shall be located and sited so as to minimize the amount of tree removal and grading to that amount necessary for construction of the building site and access road. Development proposals shall be modified as necessary for size, bulk, siting, location, and/or design where this would result in less tree removal and/or grading.</p> <p>No Co IP Section 20.144.050.B.5 states that landscape screening and restoration shall be required where needed to minimize the visual impact of development, as viewed from a public viewing area. Screening and replanting shall consist of native plants consistent with those found in the area. As conditions of project approval, a landscape plan and performance bond shall be submitted to and approved by the Director of Planning prior to occupancy and the landscaping shall be continuously</p>	<p>contain recommendations as to the type of species to plant and appropriate densities, locations, and maintenance. Require landscape plans, including a maintenance component, to be recorded.</p> <p>Revise No Co IP Section 20.144.030.B.1 consistent with recommendation for No Co policy 2.2.2.3.</p> <p>Retain No Co IP Section 20.144.030.B.2.</p> <p>Retain No Co IP Section 20.144.050.B.4.</p> <p>Retain No Co IP Section 20.144.050.B.5.</p>
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maintained in a weed-free, litter-free manner.

Del Monte Forest Implementation Section

DMF IP Section 0.147.070.C.1 states that development, along with related access roads, within visually prominent settings as identified on Figure 2C "Visual Resources" in the Del Monte Forest Area Land Use Plan shall be sited on the least visible area of the lot, subject to consistency with other development standards of this implementation ordinance and as determined by staff field review of the proposed development on its impact of visual sensitivity. Structures shall be screened from view using native vegetation and topography.

DMF IP Section 0.147.070.C.2 states that all structures shall be subordinate to and blended into the environment, using appropriate construction and landscaping materials to achieve that effect. A list of appropriate landscaping materials is contained in the brochure "The Look of the Monterey Peninsula" which is available from the Monterey County Planning Department, and also those endemic species listed in the Del Monte Forest Land Use and Open Space Advisory Committee Plan. Where deemed necessary by staff, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening, subject to the approval of the Director of Planning.

DMF IP Section 20.147.070.C.6 states that a minimum setback of 50 feet shall be maintained for all structures located in all scenic corridor viewsheds, as identified on the Del Monte Forest Area Land Use Plan Visual Resources Map. Siting and design of structures shall be such that only the minimum tree removal and alteration to natural landforms is required for development of the dwelling and an adequate area for safe off-street parking and turnaround. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

Carmel Implementation Section

Carmel IP Section 20.146.030.C.1 similar to Carmel LUP policies 2.2.3.6, 2.2.3.4, 2.2.3.3, 2.2.3.8, 2.2.4.10.e. References "A Drought-Tolerant Plant List for the Monterey Peninsula" for appropriate landscape plant species.

Retain DMF IP Section 0.147.070.C.1 but integrate last sentence into DMF IP Section 0.147.070.C.2 instead.

Revise DMF IP Section 0.147.070.C.2 to apply to all visible development not just structures. Revise last sentence to read: Where deemed necessary to comply with Plan policies and provisions of this ordinance, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening. Add the following text: As conditions of project approval, a landscape plan and performance bond shall be submitted to and approved by the Director of Planning prior to occupancy and the landscaping shall be continuously maintained in a weed-free, litter-free manner. Include referenced brochure as an Attachment.

Retain DMF IP Section 20.147.070.C.6.

Retain Carmel IP Section 20.146.030.C.1. Add "A Drought-Tolerant Plant List for the Monterey Peninsula to the Appendix.

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<p>Carmel IP Section 20.146.030.C.2 requires landscape plans.</p> <p>Carmel IP Section 20.146.030.C.7 similar to Carmel policy 2.2.3.5.</p> <p><u>Big Sur Implementation Section</u> Big Sur IP Section 20.145.020.AAAA defines Public Viewing Area as any area open to the public, such as a public road or public lands.</p> <p>Big Sur IP Section 20.145.030.C.2 similar to Big Sur Policies 3.2.4.A.1 – A.5. Section 20.145.030.C.2.d requires landscape screening.</p>	<p>Add to Carmel IP Section 20.146.030.C.2 the following: and the landscaping shall be continuously maintained in a weed-free, litter-free manner.</p> <p>Retain Carmel IP Section 20.146.030.C.7.</p> <p>Add to Section 20.145.030.C.2.d a requirement for a landscape plan, including on-going maintenance.</p>
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ISSUE SR-8: Ridgetop Development
Ensure that ridgetop development does not adversely affect scenic resources protected under the Coastal Act.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has provisions prohibiting structures silhouetting on the ridgeline and also creation of new lots where this would occur. However, the Del Monte Forest and North County land use plan policy base is not as explicit as the zoning; thereby opening the possibility of zoning amendments that would be less protective of important scenic views. Policies that allow screening can result in an unnatural, intrusive look to the ridgeline as well, but only the Carmel zoning explicitly addresses this issue. Policy that allow tree cutting on the ridge could also alter the view in an undesirable way, but only the North County zoning explicitly addresses this component of the issue. Finally, although roads may be built on a ridge without appearing visible, the resultant use of the road may be a visual distraction. Only North County and Carmel directly address this component of the issue.</p> <p>To date the General Plan Update has a welcome policy prohibiting ridgeline development, but is unclear exactly where it applies.</p> <p><u>GENERAL PLAN UPDATE</u></p>	<p>Summary: Retain ridgeline protection policies and clarify that they also apply to tree removal, landscape screening, and road development that might also adverse affect views of the ridge.</p> <p><u>GENERAL PLAN UPDATE</u></p>

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GPU Policy ER-10.3 states in part that new structures on ridgelines within critical viewshed areas, and ridgelines visible from designated scenic roads and highways, scenic waterways, and places of public gatherings such as public parks and vista points, shall be prohibited.

GPU Definition of Ridgeline Development: Ridgeline development means a development on the crest of a hill that has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.

COASTAL LAND USE PLANS

No. County Land Use Plan

No Co: Policy 2.2.1 allows only low-intensity development that can be sited, screened, or designed to minimize visual impacts on scenic hills, slopes, and ridgelines.

No Co Policy 2.2.2(3) states that property containing land on scenic slopes, hills, and ridgelines when proposed for subdivision, should be subdivided so that the lots are situated to allow the highest potential for screening development and access roads from view...

No Co. Policy 2.2.3(1) states ridges shall be zoned for scenic conservation treatment.

No Co Policy 2.2.3(4) states access roads should not be allowed to intrude upon public views of ridgelines visible from scenic routes or viewpoints.

DMF Land Use Plan

DMF Policy 33 states that in reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Additionally, the policy indicates that special consideration will be given to the ridgeline silhouette.

DMF Figure 2C shows a ridgeline visible from Point Lobos. Also, shows view area from 17 Mile Drive and vista points.

GPU Policy ER-10.3 may be adopted provided there is agreement on the definitions of critical viewshed areas, scenic resource areas and designated scenic roads, etc. (Note: for the coastal zone each segment is clear on what is the public viewing area from which development would be visible on a ridge, and this policy should be linked to those)

GPU Definition of Ridgeline Development may be retained; however, policies address whether development can occur on a ridgeline, so ridgeline is the operative term to be defined.

COASTAL LAND USE PLANS

Retain No Co Policy 2.2.1 with addition to give priority to siting using natural topography and to consider cumulative impacts of unnatural screening

Revise No Co Policy 2.2.2.3 to require building envelopes that would not result in ridgeline development for any approved new parcels.

No Co. Policy 2.2.3(1) may be retained.

Clarify No Co Policy 2.2.3(4) to prohibit roads from locating on ridgelines visible from scenic routes or viewpoints.

Substitute concept of No Co IP Section 20.144.050.C.8 for DMF Policy 33.

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<p>DMF Policy 50 requires ridges identified on the LUP Visual Resources Map to be designated for outdoor recreation, low-density residential, or open space land use that are compatible with protection of scenic resources, and are required as scenic or conservation easements.</p> <p>DMF Policy 51 states that development proposed in areas listed on the LUP Visual Resources Map to be developed so that the lots/buildings are situated to allow the highest potential for screening from view (including access roads for the development); lots and access roads should also be sited to minimize tree removal and visually obtrusive grading.</p> <p>DMF Policy 56 states design and siting of structures in scenic areas should not detract from scenic values of the ridgelines.</p> <p><u>Carmel Land Use Plan:</u> Carmel Policy 2.2.3(1) states that design and siting of structures, whether residential, commercial, agricultural, or public shall not detract from the natural beauty of undeveloped ridgelines and slopes in the public viewshed.</p> <p>Carmel Policy 2.2.3(3) states that new development on slopes and ridges within the public viewshed shall be sited within existing forested areas or within areas where existing topography can ensure structures and roads will not be visible from major public viewpoints and public viewing corridors. Structures are precluded from being sited on non-forested slopes or silhouetted on ridgelines; the visual continuity and natural appearance of ridgelines shall be protected.</p> <p>Carmel Policy 2.2.3.8 states that landscape screening on open grassy slopes and ridges should be avoided.</p> <p>Carmel Policy 2.2.4.5 states that new roads or driveways will not be allowed to damage or intrude upon public views of open frontal slopes or-ridgelines visible from scenic routes and public viewpoints.</p> <p>Carmel Policy 2.2.4.10.a states that on ridges, buildings shall be</p>	<p>DMF Policy 50 may be retained.</p> <p>Clarify DMF Policy 51 to not imply acceptance of artificial screening of ridgeline development that is otherwise prohibited</p> <p>Retain DMF Policy 56</p> <p>Retain Carmel Policy 2.2.3(1)</p> <p>Retain Carmel Policy 2.2.3(3)</p> <p>Retain Carmel Policy 2.2.3.8 and apply coastal zone wide.</p> <p>Clarify Carmel Policy 2.2.4.5 to prohibit roads from locating on ridgelines visible from scenic routes or viewpoints.</p> <p>Carmel Policy 2.2.4.10.a may be retained or deleted as redundant.</p>
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sufficiently set back from the precipice to avoid silhouetting and to be as visually unobtrusive as possible.

Big Sur LUP

Big Sur Policy 3.2.4.A.1 states that the design and siting of structures shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

Big Sur Policy 3.2.4.A.2 states that new structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges

COASTAL IMPLEMENTATION PLANS

North County Implementation Section

No Co IP Section 20.144.020.TTT defines Public Viewing Area as any area open to the public, such as a public road or public lands.

No Co IP Section 20.144.030.B.6 similar to DMF IP Section 0.147.070.C.3.

No Co IP Section 20.144.030.B.7 similar to DMF IP Section 0.147.070.C.4.

No Co IP Section 20.144.050.C.8 states that removal of trees shall not be permitted on the side or crest of a hill where such removal would create a gap, hole, or interruption in a tree cover on a ridgeline.

Del Monte Forest Implementation Section

DMF IP Section 20.147.020.BB defines “Ridgeline Development” as development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.

DMF IP Section 0.147.070.C.3 states that ridgeline development is prohibited. In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a use permit, to be heard by the Planning Commission to allow ridgeline

Retain Big Sur Policy 3.2.4.A.1

Big Sur Policy 3.2.4.A.2 may be retained.

Revise No Co IP Section 20.144.030.B.6 in the same way as recommended revision to DMF IP Section 0.147.070.C.3.

Retain No Co IP Section 20.144.030.B.7

Retain No Co IP Section 20.144.050.C.8 and add as a land use policy as well to apply coastal zone wide, with an exception unless the removal is necessary to achieve other plan policies.

Revise DMF IP Section 20.147.020.BB “Ridgeline Development” as follows: development on the crest of a hill which (or whose use of) has the potential to create a silhouette or other substantially adverse impact when viewed from a defined vantage point.

Revise DMF IP Section 0.147.070.C.3 as follows: ridgeline development is prohibited. ~~In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a use permit, to be heard by the Planning Commission to allow ridgeline~~

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development. "Ridgeline Development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. A Use Permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies of the Del Monte Forest Area Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, location design, size, and siting and/or shall landscaping or other techniques so incorporate as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

DMF IP Section 0.147.070.C.4 states that new subdivisions and lot line adjustments shall not configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and building height envelope that provides specifications for non-ridgeline development on the lot(s) in question...

DMF IP Section 20.147.130.D.5 states that development which impacts the visual component of visual access from 17-Mile Drive and from major public viewpoint turnouts such as ridgeline development and tree

~~development.~~ "Ridgeline Development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. In the instance that a parcel is unable to be developed except as a ridgeline development project,-A Use Coastal, Design, or Combined Development Permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impacts due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will ~~minimize grading, tree removal or otherwise~~ better meet all other resource protection policies of the Del Monte Forest Area Land Use Plan or development standards of this ordinance. The proposed development shall be modified for height, bulk, design, size, location, and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

Add to the DMF IP a definition of public viewing areas: Highway 68, 17 Mile Drive, vista points, and Point Lobos State Reserve.

Retain DMF IP Section 0.147.070.C.4 and add to Big Sur IP section as well.

Retain DMF IP Section 20.147.130.D.5

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removal not critical to development of the footprint of the dwelling and the immediate access area is prohibited.

Carmel Implementation Section

Carmel IP Section 20.146.030.C.1.e states that no landscape screening is allowed on open grassy slopes and ridges.

Carmel IP Section 20.146.030.C.4 similar to Carmel Policy 2.2.3(3)

Carmel IP Section 20.146.030.C.5 similar to DMF IP Section 0.147.070.C.3.

Carmel IP Section 20.146.030.C.6 similar to DMF IP Section 0.147.070.C.4.

Big Sur Implementation Section

Big Sur IP Section 20.145.020.AAAA defines Public Viewing Area as any area open to the public, such as a public road or public lands.

Big Sur IP Section 20.145.030.A.2.1 states development constituting "ridgeline development" shall not be allowed unless a use permit is first obtained. "Ridgeline development" is development on the crest or side of a hill which creates a silhouette against the sky when viewed from a public viewing area. A coastal development permit for such development may only be granted if the decision-making body is able to make findings that: [remainder of section same as DMF]

Big Sur IP Section 20.145.030.C.2.a similar to Big Sur Policy 3.2.4.A.1

Big Sur IP Section 20.145.030.C.2.b states that new structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges.

Summary Table of Criteria for Ridgetop Development in LCP:

	No Co	DMF	Carmel	Big Sur
New lots have no ridgetop	yes	yes	yes (IP)	

Retain Carmel IP Section 20.146.030.C.1.e

Retain Carmel IP Section 20.146.030.C.4

Revise Carmel IP Section 20.146.030.C.5 same way as recommended revision to DMF IP Section 0.147.070.C.3. Add a reference to Carmel IP Section 20.146.020.z as identifying the common public viewing areas.

Retain Carmel IP Section 20.146.030.C.6

Revise Big Sur IP Section 20.145.030.A.2.i same way as recommended revision to DMF IP Section 0.147.070.C.3

Retain Big Sur IP Section 20.145.030.C.2.

Retain Big Sur IP Section 20.145.030.C.2.b

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only building sites		(IP)		
Hide structure	yes (IP)	yes	yes	yes
No ridge roads	yes		yes	
No unnatural screening			yes (IP)	
No tree cutting that leaves unnatural gaps	yes (IP)			

ISSUE SR-9: “Trophy Homes”
Ensure that the adverse aesthetic, community character and other impacts from very large homes are adequately regulated to be consistent with Coastal Act policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has various coverage and floor area ratio requirements. Except for Del Monte Forest watersheds, these are based on lot size; meaning the larger the lot, the larger the allowed house size. In most cases the result may greatly exceed the average size of houses in the community., and hence not be in keeping with community character in areas that are popular visitor destination points. In Big Sur in particular, the regulations could allow for large homes that, although outside of the defined “critical viewshed,” may be visible to the public on hiking trails, may generate increases in non-priority traffic on Highway One (with limited capacity), may result in greater runoff impacts, and may induce infrastructure and service development inconsistent with numerous Coastal Act objectives for the area. The LCP has regulations that require house size reductions to reduce impacts, but no definitive direction is provided.</p> <p>To date the General Plan Update has a welcome policy that calls for addressing maximum home sizes in rural areas, but leaves the details to the future.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU Policies LU-5.10 & LU-6.21 state that the size of single family homes in Rural Centers and Rural Lands shall be proportional to the site and blend with the rural character of the area.</p>	<p>Summary: Adopt and implement a process to ensure inclusion of Coastal Act concerns when determining areas and standards for further design restrictions on large homes. Additionally, ensure that where Coastal Act concerns can be addressed by structural size reduction and related design changes, they occur.</p> <p><u>GENERAL PLAN UPDATE:</u> Add to GPU Policies LU-5.10 & LU-6.21 the following: proportional to the site <u>to the extent that individually and cumulatively the size of homes shall not result in adverse, unmitigated impacts on coastal resources.</u></p>

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GPU Actions LU-5.c and LU-5.d call for reviewing and revising the design standards for homes in Rural Centers and Rural Lands.

COASTAL LAND USE PLANS

No specific house size limitations.

Big Sur Land Use Plan

Big Sur LUP Ch 2.1 Philosophy & Goals state that the special cultural

(Note: the proportionality criteria is only applicable to smaller parcels up to what would be determined to be the maximum allowable home size, pursuant to other policies.)

Add to GPU Actions LU-5.c and LU-5.d the following tasks to be coordinated by the land use advisory committees coastal zone wide (i.e., not necessarily limited to just Rural Centers and Rural Lands in the coastal zone):

1. identify coastal zone neighborhoods that would be impacted by oversized residences;
2. survey trends in home sizes;
3. hold public meetings to obtain input on community character;
4. derive a statement as to what is the “community character” of each neighborhood in question;
5. evaluate applicability of various techniques and development standards for ensuring that community character is not compromised by larger homes; e.g., (a) size limitations such as San Mateo County’s 6,200 sq ft maximum in certain areas; (b) overall coverage limits considering all structures allowed on a property; (c) variable size limits depending on criteria met; (d) other means of minimizing visual massing of structures not in keeping with the community character, such as daylight planes, upper-story setbacks, facade articulation; subordination to the landscape;
6. choose a technique or techniques;
7. recommend the design standards to implement the chosen technique in each neighborhood.

Also, part of this exercise may be a determination of average home sizes in a neighborhood for purposes of applying the IP recommendations in this section to require size reductions as a primary mitigation measure and to alleviate the need for exceptions to be granted.

COASTAL LAND USE PLANS

Note: after the design standards are established for coastal neighborhoods they will have to be incorporated into the LCP through amendment.

Add to Big Sur LUP text that Big Sur is a special community that, based

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characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.

Big Sur LUP Policy 3.2.4.A.3 states that new development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

Big Sur LUP policy 5.4.2.9 contains the description: reflecting the small scale character of the special Big Sur community

COASTAL IMPLEMENTATION PLAN

IP Title 20 has site and structural requirements for each zoning district used in areas of the County located in the Coastal Zone. Home size is limited by maximum building site coverages, which range from 3% in the Agricultural districts to 60% in the High Density Residential district. In rural Big Sur the zoning is predominately Watershed & Scenic Conservation which allows 10% coverage and Rural Density Residential which allows 25% coverage. On typical RDR and WSC lots from anywhere between 5 and 80 acres between 54,450 s.f. and 348,000 s.f. homes would be allowed.

There are also maximum Floor Area Ratios but only for the parts of the Del Monte Forest and Carmel Area zoned MDR and LDR. Even these allow quite large homes to be constructed. For example: the maximum FAR of 20% in the DMF LDR/1 zoning district would allow an 8,712 sf home (with a 15% max site, i.e., first floor, coverage of 6,534 sf); the maximum FAR of 17.5% in the DMF LDR/1.5 would allow an 11,434 sf home (with a 15% max first floor site coverage of 9,801); and the maximum FAR of 17.5 in the DMF LDR/2 would allow a 15,246 sf home (with a 15% max first floor site coverage of 13,068 sf). In the Carmel LUP area, the maximum FAR of 45% in the Carmel MDR/2

on its unique characteristic of scenic attractiveness, is a popular visitor destination point for recreational users within the meaning of the protection afforded by Coastal Act Section 30253(5). (Note: after the above exercise is concluded, this text could be elaborated on to further describe different neighborhoods in Big Sur and their particular characteristics.)

COASTAL IMPLEMENTATION PLAN

(Note: based on the results of the exercise described above, in order to implement the resultant recommendations, either some of the IP size provisions would have to be amended or an overlay established.)

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zoning district would allow a 9,801 sf home (with a 35% max first floor site coverage of 7,623 sf).

IP Section 20.06.562 Floor Area and 20.06.564 Floor Area Ratio definitions are reversed in relationship to the section titles.

DMF IP section 20.147.030.A.1 states that new development in the Pescadero watershed and the smaller unnamed watersheds of the Pebble Beach planning area which drain into the Carmel Bay area of Special Biological Significance (ASBS), watersheds of Seal Rock Creek and Sawmill Gulch, is subject to maximum structural coverage of 5000 square feet, including main and accessory dwellings. The maximum impervious surface coverage is 4,000 square feet.

IP Section 20.02.060.B.d provides that an exception to the finding of consistency with LCP policies may be considered by the Board of Supervisors on appeal, if it is found that the strict application of the area land use plan policies and development standards of the IP denies all reasonable use of the subject property. The exception may be granted only if the decision-making body is able to make the following findings: ...that any development being approved is the least environmentally damaging alternative project. In order to make this finding, the development shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel;

Several other IP sections allow exceptions to the given standard under certain circumstances. Examples include from North County IP: Sections 20.144.030.B.6 (from locating off of ridgelines, where there are no alternatives); 20.144.040.C2.b (for setting back 150/50 feet from streams, where reduced setback is sufficient); 20.144.050.C.1 (from saving landmark trees, where development area reduction is not an option); 20.144.070.E.2 (from building on Critical Erosion Areas, where there are no alternatives).

Correct the definitions for Sections 20.06.562 Floor Area and 20.06.564 Floor Area ratio.

(Note: recommendations for DMF IP section 20.147.030.A.1 may be forthcoming as a result of future evaluation of water quality concerns in the area.)

Add to the IP to cover all exception/waiver provisions the following: Prior to granting an exception, apply structural size reduction and other design measures to obviate the need for the exception (or at least reduce the magnitude of the exception), where possible.

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Several IP sections provide that in order to implement various visual, habitat, archaeological, and other policies structural size reduction needs to be considered. Examples include, from:

North County IP

Sections 20.144.030.B.2.d (for viewshed protection); 20.144.030.B.4 (to minimize tree removal & grading); 20.144.030.B.6 (for ridgeline development); 20.144.040.A.4.g (for ESHA protection); 20.144.040.B.2 (for ESHA & adjacent ESHA protection); 20.144.040.B.3 (for adjacent ESHA protection); 20.144.040.C.1.b (for maritime chaparral protection); 20.144.040.C.1.f (for coastal sand dune habitat protection); 20.144.050.C.3 (for native tree protection); 20.144.050.C.6 (for oak woodland habitat protection); 20.144.110.D.1 (for archaeological site protection).

Big Sur IP

Sections 20.145.030.B.6.f (for Rocky Point visual resource protection), 20.145.030.B.7.f (for Otter Cove visual resource protection), 20.145.030.C.2.c (for visual resource protection outside of the critical viewshed), 20.145.040.A.4.h (for ESHA & adjacent ESHA protection), 20.145.040.B.3 (for ESHA, indigenous vegetation and landform protection), 20.145.040.B.4 (for adjacent ESHA protection), 20.145.040.C.1.c (for adjacent riparian habitat protection), 20.145.040.C.1.g (for natural grassland protection), 20.145.040.C.2.a (for adjacent intertidal habitat area protection), 20.145.050.B.1 (for stream corridor scenic & recreational quality protection), 20.145.120.D.1 (for archaeological site protection).

Add to the IP to cover all provisions requiring consideration of size reductions the following: Where a proposed structure is greater than the average size of similar structures in the vicinity and the proposed development needs to be modified to fully comply with all LCP provisions, structural redesign and size reduction shall be considered prior to considering application of other mitigation measures.

IX. ENERGY & INDUSTRIAL DEVELOPMENT

Notwithstanding the fact that coastal-dependent industrial developments may have significant impacts on coastal resources, Coastal Act Sections 30001.2; 30263-30264, 30413, 30232, 30250, 30222, 30233 (a) (1), 30235, and 30254 provide for the siting and development of coastal dependent industrial uses, including energy related uses, to ensure that inland as well as coastal resources are preserved while ensuring orderly economic development within the state. Coastal-dependent developments are those that require a site on, or adjacent to the sea to be able to function at all. Coastal-dependent industrial developments are given priority under Coastal Act Sections 30255, 30260, 30262, and 30263 over other land uses, except agriculture, and are permitted reasonable long-term growth where consistent with Chapter 3 policies. These developments are encouraged to locate and expand within existing sites. Location and expansion beyond an existing site are permitted only if alternative locations are infeasible or more environmentally damaging, to do otherwise would adversely affect the public welfare and adverse impacts are mitigated to the maximum extent feasible.

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ISSUE EN-1: Duke Energy

Ensure that the local coastal program is appropriately updated to reflect the change of ownership of Moss Landing Power Plant from PG&E to Duke Energy North America, LLC (DENA) and the change in operation and configuration of power generating units and tank farm removal.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has appropriate policies to address energy development in Moss Landing. During the recent upgrading of the plant, these policies were followed. However, the LCP contains outdated references to PG&E. Duke Energy North America purchased the energy production units and associated facilities of the Moss Landing Power Plant; PG&E however retains ownership of the power transmission station and lines on the adjoining parcel. Physical changes have also occurred with regards to the power generation units, the intake and outfalls, the fuel tanks, new ammonia storage facility, points of entry to the property, the Dolan Road intersection and the outfall easement west of Sandholdt Road.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> North County Land Use Plan No Co LUP policies 5.5.2.2, 5.5.2.6, 5.5.2.7, 5.5.2.8, 5.5.3.1, 5.5.3.3, 5.5.3.5, 5.5.3.7 and others govern power plant, with regard to requiring a master plan for expansion, preference for being fueled with natural gas, reducing traffic hazards, having oil spill contingency, and mitigating air pollution impacts</p> <p>No Co LUP throughout Chapter 5 makes references to PG&E as owners of Moss Landing Power Plant, or refers to PG&E activities that are required.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>	<p>Summary: Revise LCP to reflect the change in ownership and operation of Moss Landing power plant and to require conformance to RWQCB discharge permit requirements (including long term monitoring to evaluate impacts of thermal outfall and intake volumes).</p> <p><u>COASTAL LAND USE PLANS</u> Retain specific policies governing power plants but revise to describe: -New DENA ownership of Moss Landing Power Plant, with continued PG&E ownership of transmission lines. -Changes in power plant configuration, including intakes, outfalls, tank farm removal; and revise to require activities to be consistent with monitoring requirements of RWQCB discharge permit. -restoration/monitoring requirements should be described.</p> <p>Revise background text and maps accordingly.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>

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<p>No Co section 20.144.160 has similar policies to LUP</p>	<p>Revise IP consistent with above recommendations to the land use plans</p>
<p>ISSUE EN-2: Oil & Gas Leases Ensure that there are adequate policies to address any future oil and gas lease proposals in the Big Sur area to conform with Coastal Act recreational, water quality, scenic, and habitat protection policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The Big Sur Land Use Plan has adequate policies to address the issues associated with oil and gas leasing that may occur. However, the zoning is not as absolute and could be interpreted to allow inappropriate extraction.</p> <p>To date the General Plan Update has an appropriate clearer statement addressing this issue in a manner consistent with the Coastal Act. However, the qualifier under County and State jurisdiction may be misinterpreted to mean that the policy does not apply to federal land, even though under the Coastal Act and Coastal Zone Management Act, the County and State retain some say over oil and gas extraction in the National Forest and in the ocean.</p> <p><u>GENERAL PLAN UPDATE</u> Big Sur policy ER-15 states: Exploration, Extraction, Or Handling Of Petroleum Or Related Products Either On-Shore Or Off-Shore – Environmentally Sensitive Habitat Protection: Because of extraordinary risk to the Big Sur coast's special wildlife and recreational values and based on extensive evaluation of the Big Sur Coast, no sites have been identified which would be either practical or appropriate for the exploration, extraction, or handling of petroleum or related products either on-shore or off-shore. Therefore, such uses are not provided for in this plan, either on-shore or off-shore in the area under the jurisdiction of the State of California and Monterey County. This prohibition is especially designated to protect the California Sea Otter State Fish and Game Refuge, the most sensitive watersheds, or any watershed which empties into the Ventana Wilderness, a designated Area of Special Biological Significance, a State Protected Waterway, State Fish and Game Refuge, or onto a public beach or other public shoreline recreation area.</p>	<p>Summary: Retain and clarify policy against oil and gas exploration in Big Sur..</p> <p><u>GENERAL PLAN UPDATE</u> Adopt Big Sur policy ER-15; however, delete the phrase: under the jurisdiction of the State of California and Monterey County.</p> <p>Adopt an action to coordinate with the US. Forest Service, Bureau of Land Management, and Monterey Bay National Sanctuary to ensure that no oil or gas leases are offered on the Big Sur Coast.</p>

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COASTAL LAND USE PLANS

Big Sur Land Use Plan:

Big Sur Policy 2.2.4 states the primary land use planning objective is to minimize development of the Big Sur coast to protect the coast as a scenic rural area. Additionally, future land use development shall be extremely limited; new land uses shall be subordinate to the character & grandeur of Big Sur. All proposed uses public/private must meet the same exacting environmental standards and must not degrade the landscape.

Big Sur LUP statement 3.8.1 states that the County opposes development of any offshore or onshore oil and gas reserves that could adversely affect the scenic or habitat values of the Big Sur coast.

Big Sur LUP Policy 5.4.2.6 states that on-shore or off-shore energy facilities and oil extraction are inappropriate in Big Sur.

COASTAL IMPLEMENTATION PLAN

Zoning map designates majority of Big Sur consisting of Los Padres National Forest as PQP (Public Quasi Public)

IP Section 20.40.050 allows removal or minerals or natural materials in PQP district.

Big Sur IP Section 20.145.140.A.3.e states that oil extraction is not permitted.

Big Sur IP Section 20.145.090 Introduction states that development of any offshore or onshore oil & gas reserves that could adversely affect the scenic and/or habitat values of the Big Sur Coast shall be opposed by the County.

COASTAL LAND USE PLANS

Retain Big Sur LUP statement 3.8.1

Retain this portion of Big Sur LUP Policy 5.4.2.6.

COASTAL IMPLEMENTATION PLAN

Revise Section 20.40.050 to add: but not including oil or gas extraction.

Revise Section 20.145.140.A.3.e to add: or gas extraction.

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<p>ISSUE EN-3: Granite Rock Ensure that the provisions for mining Pico Blanco in conformance to Coastal Commission federal consistency decision pursuant to Coastal Act.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The LCP’s are generally in concert with the Granite Rock court decision that affirmed Coastal Commission regulatory, but not planning, control over private development on Federal Lands. At this point, the County would not have direct regulatory authority over activities on federal land.²⁰ County policy on mining is found in the certified LCP. The County received approval to amend the LCP to delete the mining Chapter (16.04) of its Code from the LCP, which was entirely procedural at the time. However, since then, the County has amended Ch 16.04 to include policy language and, hence, there is some potential for the County to take an action pursuant to those provisions that might not be consistent with the Coastal Act</p> <p>To date the General Plan Update retains some of the LCP provisions and suggests coordination with federal agencies.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Action ER-7.d says to establish mechanisms for consultation and comment on mining operations on federal lands. These mechanisms may include formal and informal review, cooperative planning with federal agencies, development of memoranda of understanding, joint preparation of environmental impact statements or assessments, coordination through state agencies such as the Office of Planning and Research, and the like. These measures will be in addition to any coastal development permit requirements that may apply in any individual case.</p> <p>GPU Big Sur Area Section retains some LUP policies; i.e., indicating that large-scale mineral extraction/mining is an incompatible use the Big Sur Coast; retains specific policy to Granite Rock Mining operations;</p>	<p>Summary: Clarify references to Federal vis-à-vis local authority to be consistent with Court case; adopt an action for coordination; and include all mining and reclamation standards in the LCP .</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU Action ER-7.d.</p>

²⁰ The only Federal land in the County’s coastal zone is either in Big Sur or Fort Ord. For Fort Ord there is no certified LCP and we may have future recommendations for that area.

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contains policy for Pico Blanco mining operations to be reclaimed per State Division of Mines and Geology standards.

COASTAL LAND USE PLAN

Big Sur LUP Ch 3.8 contains policies that specifically regulate mining operations.

Big Sur LUP Ch 3.8 Introduction states that the following mining policies are applicable in any review by the County of development activities on non-federal land. To the extent permissible under federal Supremacy principles and federal mining laws, the same policies will also apply to federal lands. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power.

Big Sur Policy 3.8.3.10 states that the County asserts its jurisdiction over mining operations on Federal lands within or adjacent to the Big Sur Coastal Zone to the full extent allowed by law. This includes the County's permit jurisdiction pursuant to its Surface Mining and Reclamation Ordinance and the California Surface Mining and Reclamation Act of 1975 and its coastal development permit jurisdiction pursuant to the California Coastal Act of 1976 and the Federal Coastal Zone Management Act of 1972.

Big Sur LUP Section 5.3.1.1 describes allowed uses in the National Forest designation which covers Los Padres National Forest as follows: The U. S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection of watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category...

COASTAL LAND USE PLAN

Retain Ch 3.8 policies. (Note: we may have some future comments on individual policies from a resource protection viewpoint).

Retain Big Sur LUP Ch 3.8 Introduction

Retain Big Sur Policy 3.8.3.10.

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Big Sur LUP Section 5.3.1.7 describes allowed uses on Military designated lands and notes: As provided by the Federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, such as the Naval Facility at Pt. Sur, are not subject to Coastal Commission or County jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future non-federal development, if any. Federal projects on excluded lands will be addressed by the federal consistency process as provided by the CZMA.

Big Sur LUP Policies 5.3.1.1. & 5.4.3.A.4 state that the "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non-federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation."

Big Sur LUP policy 5.3.1.2 allows for mineral extraction as a secondary, conditional use in "Watershed and Scenic Conservation" designations.

Big Sur LUP Section 7.1 Plan Administration states that the plan will also provide guidance to the California Coastal Commission in its review of Federal projects pursuant to the Federal Coastal Zone Management Act.

Little Sur River Protected Waterway Management Plan pp. 44- 51 contains a description of mining activities circa 1981.

Little Sur River Protected Waterway Management Plan policy 33 states that at such time that expansion of present mining operations is proposed, agencies should cooperate in requiring a water quality monitoring program.

Little Sur River Protected Waterway Management Plan policy 34 states that the RWQCB's water quality standards should be enforced for the

Revise last paragraph of Big Sur LUP Section 5.3.1.7 and move to introductory part of Section 5.3.1 so it is clear that is it applicable to National Forest designation as well: As provided by the Federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, such as the Naval Facility at Pt. Sur, are generally not subject to Coastal Commission or County permit jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future non-federal development, if any to the extent allowed by law. Federal projects ~~on excluded lands will be~~ are addressed by through the federal consistency process as provided by the CZMA.

Update Little Sur River Protected Waterway Management Plan pp. 44-51 description of mining activities since early 1980's.

Retain Little Sur River Protected Waterway Management Plan policy 33.

Retain Little Sur River Protected Waterway Management Plan policy 34.

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mining operation and requests that the Forest Service to undertake periodic inspections.

Little Sur River Protected Waterway Management Plan policy 64 states in part that Surface mineral extraction on non-federal lands shall not be allowed unless it can be demonstrated that such mining can be done in a manner consistent with the preservation of local aesthetic and physical resource values and, therefore, shall not violate the policies of this plan or the Big Sur Coast Land use Plan. To the extent permissible under Federal Supremacy principles and federal mining laws, the same policies will also apply to federal lands.

COASTAL IMPLEMENTATION PLAN

IP General section 20.08.040B states that no governmental unit whether City, County, District, State or Federal shall be exempt from the provisions of this Title unless otherwise provided for by Federal or State Law.

IP section 20.70.120.M exempts from the requirement for a Coastal Development: Any project undertaken by a federal agency.

IP Section 20.40.050.B conditionally allows removal of minerals in the PQP(CZ) zoning district, which is the district that Los Padres National Forest is zoned.

Big Sur IP Chapter 20.145.090 contains Mineral Resource Development Standards

Note: County Code chapter 16.04 Surface Mining and Reclamation was deleted from the IP in 1995. Since that time it has been amended to include Findings for Site Approval or Reclamation Plan (Section 16.04.070.J) and Standards for Reclamation (Section 16.04.075).

Retain Little Sur River Protected Waterway Management Plan policy 64.

COASTAL IMPLEMENTATION PLAN

Retain IP General section 20.08.040B

Retain IP section 20.70.120.M and add a footnote to it stating: Non-federal projects on Federal land require coastal development permits. The County will consult with the Coastal Commission as to which shall process the coastal development permit.

Submit for incorporation into the LCP Findings for Site Approval or Reclamation Plan (Section 16.04.070.J) and Standards for Reclamation (Section 16.04.075) (or alternatively entire Ch 16.04); include cross-referencing with Ch 20.145 provisions.

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ISSUE EN-4: Energy and Industrial Facilities

Ensure that large energy and industrial facilities are allowed after careful review relative to environment, traffic, and water use issues consistent with Coastal Act policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current local coastal program allows industrial facilities only in North County, which is the only appropriate location in the County for them. There are adequate policies to address all Coastal Act subjects. Major industrial redevelopment is likely to occur on the former National Refractories site, which would require an overall development plan pursuant to the zoning ordinance. Without a specific policy base for this requirement, it could be more readily be changed.</p> <p>To date the General Plan Update does not have provisions that are specific to governing industrial development.</p> <p><u>GENERAL PLAN UPDATE</u> GPU land use chapter provides for industrial uses in urban areas, but does not have specific policies governing their development except as below.</p> <p>GPU policies ER11-4 &-5 require best available technology & control of air pollution particulates in industrial facilities.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP:</u> No Co policies 4.3.5.6 & 4.6.3.F.5 require locating industrial facilities that are appropriate for the area; i.e., are coastal or agricultural-dependent; contribute low levels of air and water pollution; precludes industries not compatible w/air quality needed for continuing agricultural uses.</p> <p>No Co policy 4.3.5.9 requires development and use of land, public or private, to conform to the policies of the plan, consistent w/availability of public services and with established urban service lines, and meet resource protection policies of the plan.</p>	<p>Summary: Retain and reinforce existing policies governing energy and industrial facilities.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p><u>COASTAL LAND USE PLANS</u></p> <p>Retain No Co policies 4.3.5.6 & 4.6.3.F.5 with the addition of a general development plan requirement.</p> <p>Retain No Co policy 4.3.5.9.</p>

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<p><u>DMF LUP</u>: no specific policies; however, no areas are designated for industrial or energy uses.</p>	
<p><u>Carmel LUP</u>: policy states that industrial and energy development is inappropriate for this area of the County.</p>	<p>Retain Carmel LUP policy</p>
<p>No industrial or energy land use designations.</p>	
<p><u>Big Sur LUP</u>: has similar policy to Carmel LUP; additional more restrictive policies are included for regulation of energy and industrial development that are not large in scale.</p>	<p>Retain Big Sur LUP policy</p>
<p><u>COASTAL IMPLEMENTATION PLAN</u> IP Chs 20.26 & 20.28 provide development standards for industrial zoning districts;</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p>
<p>IP Sections 20.28.30 & 20.28.030 require a general development plan for industrial uses on >1 acre lots.</p>	<p>Retain IP Sections 20.28.30 & 20.28.030.</p>