



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

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Tentative Notice of Action

MEETING DATE April 17, 2015 LOCAL EFFECTIVE DATE May 1, 2015 APPROX FINAL EFFECTIVE DATE May 15, 2015	CONTACT/PHONE Steve McMasters, Supervising Planner (805) 781-5096 smcmasters@co.slo.ca.us	APPLICANT Caltrans	FILE NO. DRC2014-00082
SUBJECT A request by Caltrans to amend minor use permit/coastal development permit D010029P to accommodate the demolition of two single family residences authorized under D010029P, and to recognize the development of the relocated State Route 1 and associated improvements as approved by the California Coastal Commission (CDP 3-13-012). The project is located at 255 and 270 Via Piedras Blancas, on the east side of State Route 1, approximately two miles north of Piedras Blancas, approximately 8 miles north of the community of San Simeon, in the North Coast Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2014-00082 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The potential environmental impacts associated with relocation of State Route 1 as approved by CDP 3-13-012 was addressed by a previously certified EIR (SCH# 2008031059). In accordance with the standards set forth in Public Resources Code Section 21166, the Environmental Coordinator finds that there is no substantial evidence that the project may have a significant effect on the environment beyond that documented and fully mitigated by the previously certified FEIR and no subsequent or supplemental CEQA compliance document is required.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBERS 011-231-013 011-231-014 011-231-015	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: North Coast Rural Area Standard, Areawide 6, Site Selection <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program Area & Appeals to the Coastal Commission <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing and will become effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any land use permits prior to the end of the Coastal Commission process.			

EXISTING USES: Single Family Residences	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ Residence <i>South:</i> Agriculture/grazing <i>East:</i> Agriculture/residence <i>West:</i> Pacific ocean and motel buildings	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: NCAC, Public Works, Environmental Health, Coastal Commission	
TOPOGRAPHY: Gently sloping.	VEGETATION: Ornamental landscaping; non-native grasses and forbs
PROPOSED SERVICES: Water supply: Private wells. Sewage Disposal: Individual septic systems Fire Protection: Cal Fire	ACCEPTANCE DATE: March 2, 2015

DISCUSSION

In July, 2014, the California Coastal Commission (CCC) approved CDP 3-13-012 authorizing the realignment of a 2.8 mile section of State Route 1 between Piedras Blancas Lighthouse Road and Arroyo de la Cruz (Figure 1). The purpose of the realignment is to provide a long-term solution to the adverse effects of shoreline erosion by moving the highway up to 475 feet inland. In summary, CDP 3-13-012 approves the following:

- Removal of the existing highway;
- Construction of the highway along the new alignment;
- The physical demolition of two existing single family residences (that were approved under County minor use permit (MUP) D010029P).
- Development of an off-road California Coastal Trail west of the Highway; and
- Resource restoration and enhancement along the 2.8 mile stretch of Highway.

Relocation of the highway inland will necessitate the removal of two existing single family residences approved by the County under MUP D010029P (Figure 2). That permit included conditions of approval that required the recordation of an open space easement (and deed restrictions) over the balance of the property outside the designated residential buildings sites and associated infrastructure. Special Condition No. 10 of CDP 3-13-012 requires Caltrans to demonstrate that the County's previous approval under MUP D010029P has been amended to accomplish the following:

- Allow for the demolition of the residence on existing APN 011-231-013 including the driveway, building pad and stormwater detention system, removal of the septic tank and abandonment of the leach field, and removal of utilities, water storage tank, and landscaping.
- Use of the residence on existing APN 011-231-014 as a Caltrans construction office during construction of the Project.
- Allow for demolition of the residence on existing APN 011-231-014 including the driveway, building pad and stormwater detention system, removal of the septic tank and abandonment of the leach field, and removal of utilities, water storage tank and landscaping following construction of the Project.

- Allow for construction of State Route 1 on the new alignment through APNs 011-231-013 and 011-231-014 and improvements associated with highway construction, operation and maintenance.
- Allow for construction of the CCT and associated public access and recreation improvements through APNs 011-231-013 and 011-231-014.
- Allow for reservation of access and utility easement to two remaining wells on APNs 011-231-013 and 011-231-014 that will serve the home on APN 011-231-015, and access to APN 011-231-017 for the purposes of maintenance of well and septic system.
- Allow for reservation of a 100' radius easement around each of the two remaining wells that will serve the home on APN 011-231-015 and construction of replacement wells within each easement.
- Allow for construction of an informal, unpaved ranchland farm road seaward of the realigned State Route 1 to access the wells and septic system serving APNs 011-231-015 and 011-231-017.
- Modify landscape screening requirements to reflect those required by CDP 03-13-012.
- No other development shall occur on APNs 011-231-013 and 011-231-014 except as provided above. and
- Extend these restrictions to all areas of these properties outside of the new highway right-of-way (Figure 3).

Accordingly, Caltrans has applied to the County for a Minor Use Permit to amend MUP D010029P in fulfillment of Special Condition No. 10 as summarized above. No new development is authorized except as provided by CDP 3-13-012.

Figure 1 – Realignment of State Route 1



Figure 2 – Existing Conditions



Figure 3 – Summary of Requirements of Special Condition No. 10 of CDP 3-13-012



PLANNING AREA STANDARDS

North Coast Rural Area Standard, Areawide 6, Site Selection - this standard requires new development to be sited to minimize visibility from State Route 1.

Staff Comments: Removal of the two existing dwellings is consistent with this standard as it will remove development currently visible from State Route 1.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043c(1) – Appeals to the Coastal Commission. The project is appealable to the Coastal Commission because the project site is within 300 feet of the inland extent of mean high tide line.

Section 23.04.420 -- Coastal Access. CZLUO Section 23.04.420 requires Coastal Access dedication for all development within the first public road and the ocean.

Staff Comments: MUP D010029P and the Lot Line Adjustment approval that configured the subject lots required lateral access from APNs 011-231-013 and 014. The dedication has been recorded.

Combining Designations

Section 23.07.120 – Local Coastal Program Area: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Combining Designation, Sensitive Resource Area (SRA) - The SRA designation is applied to the portions of the properties located west of the current alignment of State Route 1.

Staff Comments: No development is proposed in the area subject to the SRA designation.

Archaeologically Sensitive Area (AS) -- The project properties are not within the AS combining designation

Staff Comments: A Phase I (surface survey) conducted on parcel APN 011-231-015 identified significant archaeological resources onsite (Gibson; 1990). With the identification of archaeological resources, the provisions of the AS combining designation was applied to this property. Specifically, the building site and driveway are located outside of the boundaries of the archaeological resources. The project will not change the area subject to the AS designation on parcel 011-231-015. Conditions have been included to assure that future construction activities associated with the relocated Highway avoid the archaeologically sensitive area.

COASTAL PLAN POLICIES:

Following is a brief discussion of applicable Coastal Plan Policies:

Shoreline Access: <input checked="" type="checkbox"/>	Policies 1,2,4,6, 10, 12
Recreation and Visitor Serving: <input checked="" type="checkbox"/>	Policy 1, 4
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 7
Coastal Watersheds:	N/A
Visual and Scenic Resources:	Policy 1
Hazards:	N/A
Archeology:	N/A
Air Quality:	N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access. Policy 2 requires new development to provide maximum public access from the nearest public roadway to the shoreline and along the coast. Policy 3 describes the preferred methods of access acquisition which include offers of dedication and deed restrictions.

Staff Comments: The previously approved minor use permit (D010029P) required lateral access dedication. Coastal Commission permit CDP 03-13-012 authorized realignment of Highway 1, the development of the California Coastal Trail (over the two subject parcels) and the physical demolition of the structures and improvements approved under D010029P. The proposed minor use permit does not authorize any new development but rather reflects the Coastal Commission authorized development and amends D010029P provisions to be consistent with that permit.,

Shoreline Access -- Provision of Support Facilities and Improvements. Policy 4 requires public facilities necessary for public access to be provided in new development. Such facilities may include parking areas, restroom facilities, picnic tables or other such improvements.

Shoreline Access -- Comprehensive Public Access Planning. Part 2 of Policy 12 states that the development of a comprehensive public access plan shall include a Public Trails Plan to facilitate implementation of the California Coastal Trail. Part 3 of Policy 12 requires the comprehensive public access plan to ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new access opportunities are maximized. Part 3 also requires the consideration of alternatives for the realignment of State Route 1 to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of the highway.

Staff Comments: Special Condition No. 10. of the Coastal Commission approval of the highway realignment requires the conservation easements affecting parcels 011-231-013 and 014 to be amended to allow for the construction of parking, restrooms and associated improvements to facilitate construction of the California Coastal trail. As conditioned, the project satisfies this condition.

The Highway is being relocated inland specifically to avoid erosion of the shoreline and the further placement of shoreline protection.

Recreation and Visitor Serving Facilities. Policies 1 and 2 encourage the protection of coastal recreation opportunities.

Staff Comments: The project, as conditioned, helps achieve the statewide priority to protect and enhance public opportunities for coastal recreation by preserving land for the construction of visitor-serving parking and access serving the future California Coastal Trail.

Environmentally Sensitive Habitats. Policy 10 states that the County shall continue to encourage the use of open space easements or Williamson Act contracts to ensure preservation of coastal wetlands.

Staff Comments: The project, as conditioned, preserves and reconfigures the existing open space easements affecting parcels 011-231-013, 014 and 015 as generally shown by Figure 3.

Public Works. Policy 7 requires a permit for projects within the coastal zone.

Staff Comments: Caltrans is requesting approval of a Minor Use Permit/Coastal Development Permit, consistent with the requirements of this policy.

Visual and Scenic Resources. Policies 2 and 4 require permitted development to be sited to protect views to and along the ocean and scenic coastal areas and to minimize its visibility from public view corridors.

Staff Comments: The project is consistent with this policy. As conditioned, the reconfigured open space easement affecting parcels 011-231-013 and 014 will prohibit new construction except for the realigned Highway and public access facilities.

Hazards. Policies 1 and 2 require all new development to be designed and located to avoid natural hazards and to ensure structural stability while not creating or contributing to erosion or geological instability.

Staff Comments: The project, as conditioned, will prohibit new development except for the construction of the realigned Highway and public access facilities. No new structures will be placed in an area subject to natural hazards or erosion.

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council had no comments.

AGENCY REVIEW

Public Works – No concerns

Coastal Commission – Commission Staff raised questions regarding the project description including requesting additional information regarding demolition and abandonment of certain

portions of the existing development. In addition, they had questions regarding the future of development that would remain on site. All of these questions relate to the physical activities authorized under their permit (CDP 3-13-012) and should be answered by the applicant as part of the condition compliance process for that permit, or relate to possible future actions that are premature. Caltrans responded to the project description questions raised by Coastal Commission staff. Both the Coastal Commission comments and Caltrans responses are attached as Exhibits.

LEGAL LOT STATUS:

The existing lots were legally created by a recorded lot line adjustment COAL90-137.

Staff Report prepared by Steve McMasters.

Attachments:

- Attachment 1 – Exhibit A – Findings
- Attachment 2 – Exhibit B – Conditions of Approval
- Attachment 3 – Graphics
- Attachment 4 – Referral Responses
- Attachment 5 – Caltrans Response to Coastal Commission comments.