

# Exhibit A

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## MEMORANDUM

TO: Monterey County Board of Supervisors  
Monterey County Planning Commission  
Carl Holm and John Dugan

FROM: Big Sur and South Coast Land Use Advisory Committees

DATE: July 13, 2020

RE: 2020 Big Sur Land Use Plan Update

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### EXECUTIVE SUMMARY

The Big Sur and South Coast Land Use Advisory Committees (collectively, "LUACs") recognize that the Big Sur Land Use Plan adopted by Monterey County Board of Supervisors on November 5, 1985 and certified by the California Coastal Commission on April 10, 1986 ("1986 LUP") is the gold standard of local coastal programs ("LCP"). However, many of the problems identified in the 1986 LUP, including natural resource impacts, uncontrolled spread of invasive species, lack of Highway One capacity, overcrowding and private property impacts, etc. still remain unresolved and the policies therein were insufficient to address these problems. Additionally, in the decades since the 1986 LUP was written, certain conditions have changed, lessons learned and new concerns and conflicts have arisen that need to be addressed in the update to the 1986 LUP.

For those reasons, the LUACs, in public meetings, have met on a weekly basis from January 7, 2013 through present day to review each sentence of the 1986 LUP to thoughtfully update the plan in order to address problems that were not sufficiently remedied over the past 34 years since the certification of the 1986 LUP as well as to address emerging concerns and conflicts due to changed conditions. In general, the update to the 1986 LUP (referred to herein as the "2020 LUP Update") focuses on addressing the following four main topics.

1. The need to preserve and enhance the Big Sur community and neighborhoods by increasing affordable housing stock: The 2020 LUP Update focuses on certain policies to help ensure long-term viability of the Big Sur community and combat the lack of housing affordable to Big Sur employees, Big Sur Fire and Mid-Coast volunteers, Big Sur Health Center employees, school teachers (i.e., essential service providers) and community members while retaining therein the large-lot zoning and the Critical Viewshed policies. These housing policies are consistent

with State-wide efforts to provide additional housing stocks in California.

2. Retain Visual Access as the Primary Access to the Big Sur Coast While Working to Improve and Maintain Existing Physical Access: In order to preserve visitor experience along Highway One, not only should development be placed outside of the Critical Viewshed as set forth in the 1986 LUP, but the entire drive along Highway One should be unencumbered to allow the public to thoroughly enjoy the spectacular visual access known around the world. Allowing for destinations (such as trails and vehicular parking along the highway) conflicts with the highest priority of resource protection recognized in the 1986 LUP – visual access. The 1986 LUP's focus on visual access as the primary and highest priority for public access is carried through into the 2020 LUP Update through strengthening certain policies, consistent with the underlying basis for Highway One's designation as an "All-American Road."
3. Manage existing trails before creating new unmanaged trails: Approximately seventy two percent (72%) of the Big Sur Coastal Planning Area is in public ownership with miles of public trails created therein. Thus, the most suitable locations for physical public access in the Planning Area are already in public ownership or have public access easements. The lack of maintenance and management by public landowners fails to fulfill the Coastal Act mandate to protect environmental resources. The 2020 LUP Update recognizes the need to properly manage and protect existing public trails on public lands. Creating new trails, when miles of existing public trails go unmanaged and unmaintained, is not a solution.
4. Fuel management to prepare for wildfires must be addressed by resolving conflicts between environmentally sensitive habitat area ("ESHA") policies: Since the 1986 LUP was written, three major high-heat intensity wildfires -- the Kirk Fire in 1999, the Basin Complex Fire in 2008, and the Soberanes Fire in 2016 – have burned through the Big Sur Coastal Planning Area. Following the lead of the City of Malibu's certified LCP, the 2020 LUP Update provides local fire authorities with jurisdiction a role in approving wildfire fuel management work to avoid policy conflicts with ESHA. The 2020 LUP Update also add policies to readily allow property owners to comply with State law (Public Resources Code section 4291 and its implementing regulations, e.g., the General Guidelines For Creating Defensible Space) for the creation of defensible space around structures and to encourage that defensible space go beyond the minimum 100-foot requirement, such as along roads and "community-wide" defensible space. The creation of defensible space is more protective of ESHA than high heat-intensity and severity wildfires and associated fire suppression activities (such as dozer lines and airdrops of retardants) which can result in destruction of ESHA. The revisions in the 2020 LUP Update are consistent with state-wide directives of encouraging maintenance of defensible space.

The active engagement by the LUACs and community members during this seven-year process in updating the 1986 LUP is consistent with the Coastal Act's intent to assure effective public participation in its programs and activities. Public participation, in particular community participation during this seven-year process, should not simply be considered perfunctory procedural requirements with no substantive ramifications. The more than 100 meetings were always open to the public and happened with the cooperation, assistance, and often the presence of RMA staff. In order to continue to provide the widest opportunity for public participation, the LUACs request that the 2020 LUP Update be immediately brought before the County Planning Commission for public deliberation. Even though the LUACs agree that the Coastal Commission staff should be consulted during the County process, the LUACs are also mindful of the limited role of the Coastal Commission, which is to ensure that the LCP conforms to the policies of the Coastal Act *only* to the extent necessary to achieve the basic stated goals specified in the statute.

## I. Introduction and Process To-Date

The Big Sur Land Use Plan adopted by Monterey County Board of Supervisors on November 5, 1985, certified by the California Coastal Commission on April 10, 1986 ("1986 LUP"), and amended once on January 9, 1996, is touted as the gold standard of local coastal programs ("LCP"). Although the Big Sur and South Coast Land Use Advisory Committees (collectively, "LUACs") agree, many of the problems identified in the 1986 LUP, including natural resource impacts, uncontrolled spread of invasive species, lack of Highway One capacity, overcrowding and private property impacts, etc. still remain unresolved and the policies therein were insufficient to address these problems. Additionally, in the decades since the 1986 LUP was written, certain conditions have changed, lessons learned and new concerns and conflicts have arisen that need to be addressed in the update to the 1986 LUP.

For those reasons, the LUACs, in public meetings, have met on a weekly basis from January 7, 2013 through October 24, 2016 to review each sentence of the 1986 LUP to thoughtfully update the plan in order to address problems that were not sufficiently remedied over the past 34 years since the certification of the 1986 LUP as well as to address emerging concerns and conflicts due to changed conditions. Each proposed revision to the 1986 LUP was discussed and re-discussed by the LUACs in public meetings to ensure that such revision was warranted. Many of those discussions included participation by Monterey County staff, including by way of example, Mike Novo, John Dugan, Jacqueline Onciano, Marti Noel, Martin Carver, and other members of the County staff. Subsequent to these weekly meetings, the LUACs provided an administrative draft LUP update, dated October 24, 2016, to the County of Monterey for an administrative review. The County staff has reviewed and commented on certain language in the LUAC's draft LUP update and each County comment to the update was discussed at public meetings of the LUACs. The March 9, 2020 LUP Update ("2020 LUP Update") is the subject of this memorandum.

The active engagement by the LUACs and community members during this seven-year process of the 1986 LUP update is consistent with the Coastal Act. The LUACs and community members have greater understanding of the landscape and related conflicts than any governmental agencies in Salinas or in Santa Cruz because they are land stewards with intimate personal knowledge of the day-to-day conflicts within Big Sur Coast Planning Area. The California Coastal Act promotes effective public participation as follows:

Section 30006 of the Coastal Act, entitled *Legislative findings and declarations; public participation*, states:

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Section 30339, entitled *Duties*, states:

The commission shall: (a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program. (b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large. (c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings. (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

Section 30503, entitled *Opportunity for public participation*, states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

**Public participation, in particular community participation during this seven-year process, should not simply be considered perfunctory procedural requirements with no substantive ramifications.** The County of Monterey and the California Coastal Commission staff cannot ignore the seven (7) years of work by the LUACs and community members by making substantive changes to the 2020 LUP Update in a vacuum. Rather than any further administrative revisions to the 2020 LUP Update, the LUACs request that the 2020 LUP Update be immediately brought before the County Planning Commission for public deliberation, consistent with the Coastal Act, in order to provide the widest opportunity for public participation.

It must also be recognized that the Coastal Commission's role in any LCP update is limited. The court in *City of Malibu v. California Coastal Com.* (2012) 206 Cal. App. 4th

549, 563 made clear the limited role of the Coastal Commission in the LCP update process as follows:

Section 30515 creates a narrow exception to the legislative intent expressed in other provisions of the Coastal Act that allow *only* local governments to initiate changes to a certified LCP, with the Coastal Commission reviewing such changes *only* for conformity with the policies of the Coastal Act and *only* to the extent necessary to achieve the basic state goals specified in the statute. (§30512.2.) The Coastal Act emphasizes local control after the Coastal Commission has certified a local coastal program: The Coastal Commission must certify a local government's amendments to a land use plan if they are in conformity with the requirements and policies of the Coastal Act. (§30512, subd. (c).) The Coastal Commission cannot "diminish or abridge the authority of a local government to adopt ... the precise content of its land use plan." (§ 30512.2, subd. (a).) Development review authority can no longer be exercised by the Coastal Commission and is "delegated to the local government that is implementing the local coastal program," with limited rights of appeal to the Coastal Commission. (§30519, subd. (a); see §30603.) Indeed, if the Coastal Commission determines that a certified LCP is not being carried out in conformity with a policy of the Coastal Act, the Coastal Commission's power is limited to recommending amendments to the local government's LCP; and if the local government does not amend its LCP, the Coastal Commission's only recourse is to recommend legislative action. (§30519.5.)

Somehow, the limited role of the Coastal Commission in the LCP process as set forth in the Coastal Act has expanded over time without any legislative amendments to the Coastal Act. It is clear the Coastal Commission staff favors and promotes certain Coastal Act provisions (such as coastal access) to the detriment of other Coastal Act provisions (such as resource protection). Their favoritism of certain provisions over the detriment of others has resulted in the Coastal Commission staff overstepping their authority during the LCP process.

As the local agency with jurisdiction to prepare the LCP update, Monterey County must stand strong to support the LUACs' seven year public participation process and not be reactive simply to appease the Coastal Commission staff. The focus of the County must be on sound land use planning consistent with the Coastal Act in recognition of historical and continuing existing constraints which cannot be ignored. For example, in the 1986 LUP, it was made clear public trails were not being properly managed and as a result, natural resources were being significantly degraded. Thirty four (34) years later, the problem has exacerbated in light of continuing budget cuts of governmental land managers. Yet, the Coastal Commission staff ignores the priority of resource protection in the Coastal Act in order to promote more unmanaged public trails. The reality is



federal and state land managers' budgets will continue to dwindle. The focus should be on using the limited available funds to manage existing public trails and restore their surrounding natural environment, rather than on creating new unmanaged trails. To ignore this reality is negligent and would likely result in lasting damages to the unique resources of Big Sur.

## II. Summary of Important Topics of in the 2020 LUP Update

In general, the update to the 1986 LUP focuses on addressing the following four main topics (A through D), which are further described in Section III of this memorandum, as well as, several miscellaneous topics discussed in Section II.E below.

- A. The need to preserve and enhance the Big Sur community and neighborhoods by increasing affordable housing stock: At the time the 1986 LUP was being written, most of the Big Sur Coastal Planning Area was zoned at 1- and 5-acre minimum parcel size with few restrictions on land use. At the time of drafting the LUP, there were concerns that the planning area would be dramatically overbuilt, destroying the visual and natural quality of the area and overwhelming the limited capacity of Highway One. To ensure that concern was addressed, the 1986 LUP included multiple approaches including the downzoning all of Big Sur. The LUP also included a "Critical Viewshed" policy, which precludes any new development in undeveloped areas visible from Highway One.

Not only did development of residential homes decrease due to these policies in the 1986 LUP, but also the footprint of available private lands for development decreased as public ownership of lands within the planning area increased. As of 2016, approximately seventy two percent (72%) of the Planning Area is in public ownership, a substantially higher percentage than anticipated. Currently, there is concern that the viability of the Big Sur community is threatened by public acquisition of private lands over time.

Couple that with the ever increasing costs of Big Sur real estate purchased by absentee landowners and the conversion of long term rental housing to short term rentals, the long-term survivability of the Big Sur community is in peril.

A strong residential community not only supports visitor serving commercial and recreational services, but it also provides a stable force that defines Big Sur's character and heritage. Visitors and residents have come to depend on the residents to serve public safety entities like the volunteer fire brigades and health care services. It is also the community who is the real watchdog of the LUP.

The 2020 LUP Update focuses on certain policies to help ensure long-term viability of the Big Sur community and combat the lack of housing affordable to Big Sur employees and community members while retaining therein the large-lot zoning and the Critical Viewshed policies. These housing policies are consistent with State-wide efforts to provide additional housing stocks in California.

- B. Emphasize Visual Access Over Physical Access or Destinations: In recognition of the Big Sur coast's spectacular beauty and unique qualities, this segment of Highway One has been designated an All-America Road. An "All-American Road" is considered a destination unto itself. In order to continue to be recognized as such, Highway One must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip. Vehicular parking along Highway One, trash, human waste, traffic, overcrowding and trampling of native habitats have dampened that visitor experience. In particular, Highway One has reached its maximum capacity especially during summers and holidays, which was recognized 34 years earlier in the 1986 LUP. In order to preserve visitor experience along Highway One, not only should development be placed outside of the Critical Viewshed as set forth in the 1986 LUP, but the entire drive along Highway One should be unencumbered to allow the public to thoroughly enjoy the spectacular visual access known around the world. Allowing for destinations (such as trails and vehicular parking along the highway) conflicts with the highest priority of resource protection recognized in the 1986 LUP – visual access. The 1986 LUP's focus on visual access as the primary and highest priority for public access is carried through into the 2020 LUP Update through strengthening certain policies, consistent with the underlying basis for Highway One's designation as an "All-American Road."
- C. Manage existing trails before creating new unmanaged trails: The most suitable locations for physical public access in the Big Sur Coastal Planning area are already in public ownership or have public access easements. As stated previously, approximately seventy two percent (72%) of the Planning Area is in public ownership with miles of public trails created therein; however, these trails lack sufficient parking, restrooms and other amenities as well as adequate maintenance and management by public landowners. The 2020 LUP recognizes the need to properly manage and protect existing public trails on public lands. The lack of adequate management of existing trails and the allowance of dispersed camping have degraded Big Sur's natural resources, visual access and visitor experience; introduced invasive species; and created public safety and

wildfire hazards. With the local planning process for the California Coastal Trail with the Coastal Trail aligned on public lands, often on existing public trails, funding associated with the Coastal Trail is anticipated to allow for proper management and maintenance of these public trails which would hopefully move toward resolving the conflict between public use of public trails and protection of natural resources and private property rights. Creating new trails, when miles of existing public trails go unmanaged and unmaintained, is not a solution.

- D. The ability to prepare for wildfires must be addressed by resolving conflicts between environmentally sensitive habitat area ("ESHA") policies and the need to create defensible space and otherwise reduce hazardous accumulations of wildfire fuels to safe levels: Since the 1986 LUP was written, three major high-heat intensity wildfires -- the Kirk Fire in 1999, the Basin Complex Fire in 2008, and the Soberanes Fire in 2016 -- have burned through the Big Sur Coastal Planning Area, mostly on federal land. An unintended consequence of the beneficial policy of suppressing wildfires is not only that vegetation has grown and accumulated in many areas undisturbed for decades, beyond the amount that would have accumulated under the natural fire return interval, including within areas the 1986 LUP designated as environmentally sensitive habitat areas ("ESHA"), but also that the fuels buildup leads to greater wildfire intensity and severity, wiping out structures, habitats and species, including protected species and old growth trees. Policies listing vegetation removal that "will not be considered removal of major vegetation," therefore not "development" under the Coastal Act, are included in the 1986 LUP, which were intended to allow removal of accumulated vegetation without the need for a coastal permit to help maintain habitats and protect lives and property. However, those policies have been interpreted by the County to be "meaningless" due to conflicts with ESHA policies in the 1986 LUP. To avoid interpretation problems in the future, the 2020 LUP uses multiple approaches to resolve potential for conflicts between policies intended to encourage maintaining Big Sur's woodlands, forests, and brushlands in healthy wildfire resilient condition. For example, because the term "removal or harvesting of major vegetation" is used in the Coastal Act but not defined in it, the 2020 LUP Update defines that term to avoid policy conflicts and to facilitate solutions in order to maintain habitats in healthy condition and to address the threat to habitats, species, structures and people from unnaturally high-heat intensity wildfires.

Also, following the lead of the City of Malibu's certified LCP, the 2020 LUP Update provides local fire authorities with jurisdiction a role in approving wildfire fuel management work designed to avoid policy conflicts with

ESHA. State law (Public Resources Code section 4291 and its implementing regulations, e.g., the General Guidelines For Creating Defensible Space) as well as insurance companies require the creation of defensible space around structures and encourage that defensible space go beyond the minimum 100-foot requirement, such as along roads and "community-wide" defensible space. The creation of defensible space is more protective of ESHA than high heat-intensity and severity wildfires and associated fire suppression activities (such as dozer lines and airdrops of retardants) which can result in destruction of ESHA. The revisions in the 2020 LUP Update are consistent with state-wide directives encouraging maintenance of effective community-wide defensible space.

## **E. Miscellaneous**

### **1. Land Use Designations**

In the 2020 LUP Update, the LUACs updated the land use designations for parcels to match their actual land uses. Many of the businesses (e.g., Rocky Point Restaurant, Henry Miller Library, etc.) have been in operation for decades and are considered an essential part of the fabric of the Big Sur community. Yet, their uses are considered legal, nonconforming because their uses lawfully existed before a change in the zoning regulations. Because the general objective of zoning is to eliminate nonconforming uses, the LUACs changed the land use designations to match the current uses in order to protect and preserve the uses as an essential part of Big Sur.

The land use designations were also amended not only to match the current land uses, but also to match the current zoning districts' descriptions of uses in Title 20 of the Monterey County Code. For example, "National Forest", "Military", "Wetlands & Coastal Strands" and "Forest & Upland Habitat" are not land use or zoning designations, but rather descriptions of the environment or its use, yet they are shown on the land use designation maps and described as land use designations in Chapter 5.3 of the 1986 LUP. These "designations" were removed from the land use designation maps and discussions. Appropriate land use designations consistent with Title 20 were assigned to each parcel in the Big Sur Coast Planning Area. Planning staff participating in LUAC meetings agreed these changes would be helpful and avoid confusion.

Additionally, properties purchased by governmental agencies using grants or other funds were reviewed more thoroughly to determine whether there were any permanent restrictions imposed in the grant/fund in purchasing any such property. For example, properties

purchased using the Habitat Conservation Fund must be restricted to preserving their natural state as wildlife and fishery habitats. The intent of the Habitat Conservation Fund created through Proposition 117 is clear:

The people of California find and declare that wildlife and fisheries conservation is in the public interest and that it is necessary to keep certain lands in open space and natural condition to protect significant environmental values of wildlife and native plant habitat, riparian and wetland areas, native oak woodlands, and other open-space lands, and to provide opportunities for the people of California to appreciate and visit natural environments and enjoy California's unique and varied fish and wildlife resource. (Fish and Game Code §2781.)

Similarly, land acquired with Proposition 70 funds, the Wildlife, Coastal, and Park Land Conservation Act of 1988, which provided Monterey County \$25 million to compensate critical viewshed landowners, should remain in their present state in perpetuity, with the sole exception of maintenance of Highway One, as the statute states,

All lands acquired with these funds shall remain as natural lands in their present state in perpetuity and shall not be developed in any manner by any person or entity, public or private, except that this subdivision shall not apply to California Department of Transportation projects which are essential to maintain Highway One in its existing use as a rural two lane, Scenic Highway. (Public Resources Code § 5928(b).)

Accordingly, properties purchased using the Habitat Conservation Fund, with monies from the Wildlife, Coastal, and Park Land Conservation Act of 1988, and land otherwise acquired or reserved for conservation purposes, should remain preserved in their present state rather than used for active, developed recreation. The LUACs' 2020 LUP Update has designated public lands purchased using Proposition 70 funds "Resource Conservation". Limited uses for scientific research or guided educational tours may be appropriate on some of these lands, similar to the uses at the Big Creek Reserve. For public properties currently used or allowed for active developed recreation, their land use designation has been amended to "Public and Quasi Public."

A new land use designation, "Visitor and Community Serving Commercial" replaced "Rural Community Center". Uses of commercially-zoned properties should not be limited to visitor services only. The Big Sur community has its own needs, and the flexibility afforded in this new commercial designation would provide opportunities for land uses that provide services to the community and visitors. It is important to remember that the community itself performs visitor serving functions and that keeping the community viable is necessary for visitors as well as for residents (for example, emergency services do not distinguish between serving visitors versus serving residents and are generally staffed by residents).

Finally, certain parcels shown on the land use designation maps have split land use designations. Because the land use designation maps are large in scale, the exact boundary delineating the two land use designations on a single parcel cannot be accurately determined and have caused problems in land use decisions. Accordingly, the LUACs have eliminated split land use designations, with several exceptions each with rationale. For example, the parcel at Post Ranch Inn is an exception and remains in split designation in the 2020 LUP Update because the LUACs believe the parcel is fully built out and cannot accommodate additional units.

## 2. Table 1

Table 1 is updated in the 2020 LUP Update. In Table 1 and its corresponding policy (Policy 5.4.2.9 of 1986 LUP), the maximum density for inn unit development is 300 new visitor-serving lodge or inn units in the Big Sur Coast Planning Area "based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast and the need for development to respect the rural character of the Big Sur Coast and its many natural resources." (See pg. 85, 1986 LUP.) Unfortunately, Monterey County has not tracked the number of new units against the maximum density set forth in this policy even though the basis for setting the maximum density remains the same and is essential for preserving Big Sur's wild character for which Big Sur is known worldwide.

The maximum density of 300 new inn units in the 1986 LUP has been exceeded based on Big Sur Chamber's count of visitor serving units in the Planning Area. See Attachment 1. To update the maximum density to match the current density and to include those units that were projected to be developed in the 1986 LUP, the LUACs amended the maximum density to 500 units, to reflect reality. As stated previously, the

need to set a maximum density of visitor serving units remains paramount – Highway One capacity has been reached or exceeded, particularly during summers and holidays; natural resources are degraded, trampled and overused by visitors; and the unique wild character of Big Sur is unfortunately changing as visitor serving businesses continue to grow. In essence, the LUACs believe such actions, such as setting a maximum number of inn units, which are consistent with the Coastal Act's emphasis on not degrading natural resources to accommodate visitation, are necessary to avoid Big Sur from losing its wild character and heritage.

### 3. Proliferation of Invasives

The 2020 LUP Update strengthens certain policies in attempts to restore Big Sur to its native mosaic landscape. The Big Sur Coastal Planning Area has suffered from the proliferation of invasive species. The update includes amendments to policies to disallow the planting of non-native trees and to more readily allow the removal of non-native trees and plants.

### 4. Reference Documents

Many of the documents referenced in the 1986 LUP are either outdated or were never prepared. The outdated documents are no longer applicable to today's conditions. Accordingly, references to those documents were removed, and certain documents prepared since the certification of the 1986 LUP are referenced in the 2020 LUP Update. The LUACs request that the documents referenced in the 2020 LUP Update be included as appendices to the update.

### 5. Protection of Coastal Agriculture

The 2020 LUP Update includes additional protection for agricultural land use, particularly coastal grazing lands, to preserve the iconic open space entrance into the Big Sur Valley and to promote wildfire fuels management. Protection and preservation of coastal agriculture is consistent with the Coastal Act because coastal agriculture is considered a priority use in the Coastal Act. For example, section 30222 of the Coastal Act, entitled *Private lands; priority of development purposes*, states as follows:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have

priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

6. Water Supply

Given the State legislature and the State Water Resources Control Board's direction to maximize reasonable and beneficial uses of water, particularly to prepare for prolonged drought periods as a result of climate change, flexibility is built into the 2020 LUP Update to allow storage of water for conjunctive use of water. Groundwater basins in Big Sur generally have plentiful water and are sustainable. However, one or two basins are susceptible during prolonged periods of drought. Accordingly, the 2020 LUP Update allows for transfer of water between basins to address this need and avoid adverse impacts in basins with lower flows. Of course, any such action would be subject to coastal and likely other permit requirements such as those imposed by the State Water Resources Control Board. The revisions to these policies do not negate the need to comply with other local, state and federal laws.

7. Recommended Actions

The "Recommended Actions" sections in the 1986 LUP were deleted in the 2020 LUP Update because they are outdated and in most cases have not been implemented over the past 36 years and thus, are essentially meaningless.

**III. Detailed Discussions of Four Main Topics in the 2020 LUP Update**

The four main topics summarized in Section II of this memorandum are discussed in detail below. Section by section revisions to the 1986 LUP are provided in Table 1 of this memorandum.

A. The Need to Preserve and Enhance the Big Sur Community and Neighborhoods By Increasing Affordable Housing Stock.

At the time the 1986 LUP was being written, most of the Big Sur Coastal Planning Area was zoned at 1- and 5-acre minimum parcel size with few limits on land use. At that time, there were concerns that the area would be subdivided into many thousands of small parcels and be dramatically overbuilt, destroying the visual and natural quality of the area. To ensure that the concerns were addressed, the 1986 LUP included multiple approaches. For example, it downzoned all of Big Sur so most of the Planning Area east of Highway 1 is 320 acre minimum parcel size and no new parcel can be created smaller than 40 acres, and zoned most land west of Highway 1 so no new parcel can be created



smaller than 40 acres. It included a "Critical Viewshed" policy, which precludes any new development in undeveloped areas visible from Highway 1. It contained language encouraging public agencies to acquire private land. Those provisions were more successful at preventing overdevelopment than anticipated. However, partly because of these policies and other factors discussed below, the Big Sur community is disappearing due to the lack of housing affordable to Big Sur employees and community members.

The 1986 LUP also projected that approximately sixty percent (60%) of the Big Sur Coast Planning Area would be in public ownership. However, as of 2016, approximately seventy two percent (72%) of the Planning Area is in public ownership, a substantially higher percentage than anticipated, which continues to grow. There is concern that the viability of the Big Sur community is threatened by public acquisition of private lands over time. Couple that with the ever increasing costs of Big Sur real estate purchased by absentee landowners, the downzoning of most of the private lands in Big Sur to a density of one dwelling unit per 40 to 320 acres (as discussed above) and the conversion of long term rental housing to short term rentals, the long-term survivability of the Big Sur community is in peril. A strong residential community not only supports visitor serving commercial and recreational services, but it also provides a stable force that defines Big Sur's character and heritage. A strong residential community is also the workforce for public safety entities like the volunteer fire brigades and health care services.

The housing crisis is not unique to Big Sur, although Big Sur is a poster child for the problem. To address the State-wide housing crisis, Governor Newsom issued Executive Order N-23-20 in response to California's housing crisis. The Order, coupled with new state legislation, is intended to increase the housing stock in California. For example, Assembly Bill (AB) No. 68, approved by the Governor on October 9, 2019, allows for the creation of accessory dwelling units in single-family and multifamily residential zones, which would add to Big Sur's housing stock.

Although the 2020 LUP Update retains the subdivision densities of the 1986 LUP and the Critical Viewshed policies, it also attempts to provide innovative solutions to increase affordable housing in the Big Sur Coastal Planning Area. Specific revisions in the 2020 LUP Update to increase Big Sur's housing stock include the following:

- Employee Housing Overlay - The overlay applies to any parcel designated as Visitor and Community Serving Commercial ("VCSC"), or any parcel located contiguous to a parcel or parcels with VCSC land use designation (as reviewed on a case-by-case basis). The purpose of the Overlay is to encourage and facilitate development of employee housing within or next to commercial facilities. Not only would this overlay increase housing, but

it would also reduce traffic on Highway One by having employees live closer to where they work, some of whom commute from as far as Soledad in the Salinas Valley.

- No short term rentals allowed in the Big Sur Coast Planning Area - Since the creation of AirBnB and other short term rental services, long term rental housing is disappearing in the Big Sur Coastal Planning Area by the conversion of long term housing to short term rentals, primarily because short term rentals generate greater income for property owners. Due to the need for long term rentals, in addition to other reasons typically not an issue in other planning areas in the County (such as issues with liability and other impacts on the many unpaved shared private roads in Big Sur), short term rentals are prohibited in the Planning Area. The related policies will only be effective if Monterey County proactively eliminates illegal transient rentals through code enforcement actions.
- Incentives for affordable housing – The expense and length of the coastal permit process and cost of construction are barriers to affordable housing in Big Sur. Accordingly, various incentives, similar to those provided in State Law for inclusionary housing, are included in the 2020 LUP Update to reduce these barriers. These incentives include density bonus, waiver of development standards, streamlined permit process and lowering of application fees.
- Accessory dwelling units - Consistent with state law, for areas outside of the Employee Housing Overlay and within the Watershed and Scenic Conservation and Rural Residential land use designations, accessory dwelling units must be allowed through a streamlined permit process.
- Non-traditional housing - Other methods to increase the housing stock in Big Sur include allowing non-traditional housing types such as single-room occupancy units, modular housing, and yurts for long term housing; and allowing existing caretaker and guesthouse units to be readily converted for long term rental housing. Additionally, in Gorda, a parcel near Treebones Resort is designated as a Special Treatment Area to allow for an increased density for long term employee housing.
- Employee housing plan – Although the 1986 LUP requires an employee housing plan for any new or expansion of commercial development, the development of employee housing often tends to lag behind the commercial development and in some cases, employee housing is not built or is later converted to visitor serving units. The 2020 LUP Update includes a policy to require the implementation of the employee housing plan and development of employee housing pursuant to such plan

concurrent with the commercial development. This policy will only be effective if Monterey County proactively enforces the implementation of employee housing plans.

B. Emphasis on Visual Access Over Physical Access or Destinations.

The Big Sur coast is where Highway One traces a narrow ledge along the rugged Santa Lucia Mountains above the Pacific shoreline, leading travelers into a scenic drama that is known around the world. In recognition of its spectacular beauty and other unique qualities, this part of Highway One has been designated an All-American Road. This honor is awarded by the National Scenic Byways Program to those few highways in America that are so distinctive as to be considered destinations unto themselves.

The National Scenic Byways Program, established by Congress in 1991, and administered by the U.S. Department of Transportation's Federal Highway Administration (FHWA), was created to preserve and protect the nation's scenic byways and, at the same time, promote tourism and economic development. The FHWA established the National Scenic Byways Policy in Volume 60 of the Federal Register, Number 96, section 26759 (60 FR 26759) dated May 18, 1995. The National Scenic Byways Policy for an "All-American Road" is as follows:

In order to be designated as an All-American Road, the road or highway must meet the criteria for at least two of the intrinsic qualities. The road or highway must also be considered a destination unto itself. To be recognized as such, it must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip.

The intrinsic values identified for this segment of Highway One are clear - the Big Sur coast is among the most scenic areas in the world. The experience of travelling the corridor is felt primarily through a combined effect of scenic elements viewed from the highway, which create a lasting impression.

However, Highway One's visual resources are degrading and are threatened by not only an increase in visitorship, but also by the allowance of new destinations to be built along Highway One without proper management, infrastructure and amenities. For example, at Soberanes Point, a highly visible stairway was built in the Critical Viewshed without affording the public any space for parking other than a small area on Highway One shoulder. These types of irresponsible actions have resulted in an increased numbers of cars parked along narrow lanes and blind curves resulting in reduced traffic capacity, dangerous road conditions, increased trash and invasives, overcrowding, human waste and degradation of Big Sur's unique natural habitats. Highway One's capacity has

been reached and exceeded, particularly during holidays and weekends. The additional destination spots along Highway One defeat the tranquil driving experience and damage surrounding natural environment so enjoyed by the traveling public.

It is important to note that the level of service ("LOS") provided by Caltrans in the update to the 1986 LUP is inaccurate and distorts the actual conditions of Highway One. Caltrans admits to not having average daily trip data during peak periods for highway segments and that the LOS is based on extrapolation of available data rather than actual traffic counts of highway segments during peak periods. It is clear the LOS is inaccurate. For example, along Highway One near Sycamore Canyon Road, traffic can be at a standstill, while drivers wait for an available parking space at Pfeiffer Beach or along Sycamore Canyon Road. Similarly, along Highway One at Bixby Bridge, traffic can also be at a standstill by visitors attempting to park at the pullout or along Old Coast Road. Average daily trips during peak periods at these troublesome segments of Highway One have not been collected. To broadly state that the entire stretch of Highway One within the Planning Area is operating at LOS B or C is distortive, misleading and misrepresents the actual conditions of certain segments of Highway One.

In recognition that Highway One is an All-American Road -- a destination unto itself -- it must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip. The scenic qualities and natural environment must be protected and not marred by traffic, parking on Highway One shoulders, overcrowding, trash, human waste, invasives, trampling, etc. In order to protect this important public resource recognized worldwide, the 2020 LUP Update continues the focus of the 1986 LUP -- emphasis on visual access providing the primary public access, which is protected through the Critical Viewshed policies and other policies.

The concept of providing visual access over physical access is not new. The 1986 LUP also emphasized visual access as its highest priority:

6.1.3 Key Policy - The rights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access, shall be protected, encouraged and enhanced. Yet because preservation of the natural environment is the highest priority, all future access must be consistent with this objective. Care must be taken that while providing public access, the beauty of the coast, its tranquility and the health of its environment are not marred by public overuse or carelessness. The protection of visual access should be emphasized throughout Big Sur as an

appropriate response to the needs of recreationists. Visual access shall be maintained by directing all future development out of the viewshed. The protection of private property rights must always be of concern.

The protection of Highway One driving experience through the Critical Viewshed policies can be summarized as follows (as stated in Section 2.3 of the 1986 LUP):

Maintenance of the quality of the natural experience along the Big Sur coast has precedence over development of any permitted uses, whether residential, recreational, or commercial. New development should complement the area and its cultural traditions, rather than introduce conflicting uses.

Rather than focus on visual access and the drive along Highway One as the destination unto itself, mounting pressure is being placed by the Coastal Commission staff to add destination spots, rather than preserve the tranquil traveling experience. In order to protect this All American Road for its intended purpose, the 2020 LUP Update focuses on visual access as the primary public access, which is protected through the Critical Viewshed policies and other policies so that the highway can remain a destination unto itself.

C. Manage Existing Trails Before Creating New Unmanaged Trails.

The LUACs are cognizant of the California Coastal Act's basic goal to maximize public access to and along the coast and public recreational opportunities. (Public Resources Code §30001.5.) This goal is not absolute and must be achieved consistent with "public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (Public Resources Code §30210.)

The Coastal Act makes clear that providing public access must not be considered in a vacuum. There is a delicate balance between public access and resource protection. In fact in the Coastal Act, where there is a conflict between public access and resource protection, resource protection, as a top priority, overrides public access.

Section 30007.5 of the Coastal Act, entitled *Legislative findings and declarations; resolution of policy conflicts*, states in relevant part as follows:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions

of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.

Section 30214 of the Coastal Act, entitled *Implementation of public access policies; legislative intent*, states as follows:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and re-pass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30212 of the Coastal Act, entitled *New development projects*, states as follows:

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

Many of the most suitable locations for physical public access are already in public ownership or have public access easements in the Big Sur Coastal Planning Area. The steep terrain along the coast does not provide for additional safe shoreline access on public land.

Notwithstanding the physical constraints, the availability of existing public trails on state and federal lands in Big Sur is extensive. Approximately seventy two percent (72%) of the Big Sur Coastal Planning Area is in public ownership with miles of public trails created therein; however, these trails lack sufficient parking, restrooms and other amenities, maintenance and management. The lack of adequate management of existing trails and the allowance of dispersed

camping have degraded natural resources, visual access and visitor experience; and created public safety and wildfire hazards.

The availability of existing public trails without the resources to properly manage them in order to protect the fragile coastal resources was recognized early on in the 1986 LUP, which states:

[T]he plan must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring that the very resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for some years and must be corrected if Big Sur's long term promise is to be fulfilled. Overuse of existing private and public campgrounds, loss of riparian vegetation through trampling, erosion of paths, compaction of soil in redwood forests, disruption of wildlife habitats, and increased fire hazards are a few of the problems associated with current levels of recreational use. Pfeiffer-Big Sur State Park is an example of a State facility whose popularity and use is at or beyond its environmental holding capacity. Some private campgrounds are similarly affected.

Rather than the situation improving since 1986, it has gotten worse. Visitation to Big Sur continues to rise year-after-year, yet funding for state and federal agencies to manage their lands has continued to decline year-after-year. As an example, there is only one deputy ranger available to monitor the entire Monterey Ranger District of the Los Padres National Forest, over 300,000 acres, despite the allowance by the U.S. Forest Service for unmanaged dispersed camping which inevitably leads to illegal campfires.

As a result, Big Sur's fragile natural resources continue to suffer from overuse. Public trails have become trampling and dumping grounds, where sensitive resources continue to be damaged, and trash continues to accumulate. Illegal camping and campfires are rampant. Erosion, loss of vegetation, introduction of invasive species, disruption of wildlife habitats, increase in wildfire risk, public safety concerns and impingement of private property rights are all results of unmanaged public access. As an example of the destruction caused by insufficient management of a public trail, the Soberanes Fire -- which burned 57 homes and killed a bulldozer operator, cost about \$260 million to suppress, scorched over 132,127 acres of land, including burning ESHA and killing untold numbers of threatened and endangered species, and resulting in massive erosion and siltation of creeks and rivers the following winter -- was a result of an illegal campfire on an unmanaged public trail.

Yet, the Coastal Commission staff appears to ignore the priority of resource protection in order to promote more public trails. The reality is federal or state land managers' budget will continue to dwindle. The focus should be on using the limited funds to manage the miles of existing public trails and restore their surrounding natural environment, rather than on creating new unmanaged trails. To ignore this reality is negligent and contrary to the Coastal Act.

Due to the extensive number of existing unmanaged trails resulting in damage to surrounding natural habitats and conflicts with public safety and private property rights, which all must be considered under the Coastal Act with priority given to protecting fragile coastal resources, the 2020 LUP Update includes policies to limit new public access until and unless the state and federal agencies can properly restore and manage their existing public land and trails according to their associated management plan or if none exists, then until such a plan is developed and implemented.

With the local planning process for the California Coastal Trail with the draft Coastal Trail proposed to be aligned primarily on existing trails on public lands, funding associated with the Coastal Trail is anticipated to allow for proper management and maintenance of the Coastal Trail, which would hopefully move toward resolving the conflict between public use of public trails and protection of natural resources and private property rights. Creating new trails, when miles of existing public trails go unmanaged, is not a solution.

Table 2 of the 1986 LUP, which provides specific recommendations for shoreline access, has been removed in the 2020 LUP Update because it is outdated and the recommendations therein have never been implemented. Furthermore, some of the lands proposed for public access (e.g., Little Sur River & Swiss Canyon) are privately owned, and others stem from private roads. Some locations are restricted to limit public access (e.g., Point Sur, Big Creek). For those reasons, the locations shown on Table 2 are not appropriate for public access. Additionally, most of the locations are visible from Highway One and development thereon are prohibited under the Critical Viewshed policies. Finally, any public access, including those as conditions of approval or mitigation measures of any project approval, must be consistent with the Critical Viewshed policies. The definition of "development" in the Coastal Act, is broad and includes trails as "change in the density or intensity of land use." (Coastal Act §30106.) Simply stated, all trails, including those on Table 2 must be subject to the Critical Viewshed policies and such development must not be allowed within the Critical Viewshed in order to protect the highest priority of access -- visual access-- the dramatic views from Highway One, which is the primary attraction for the vast majority of visitors to Big Sur.



The Local Coastal Program Trails Plan maps also were amended in the 2020 LUP Update to remove those proposed trails that would be visible from Highway One and thus, would constitute prohibited development under the Critical Viewshed policies. Some of the trails are shown on private lands, where access was never granted to the public, and thus, should not be planned for such use. The LUACs believe any eminent domain proceedings to acquire coastal shoreline access is contrary to the Coastal Act which recognizes the need to protect private property rights. For example, in the Coastal Act, the legislature finds and declares that the basic goal of the state for the coastal zone is to maximize public access to and along the coast and maximum public recreational opportunities in the coastal zone consistent with “constitutionally protected rights of private property owners.” (citing relevant parts of Coastal Act §30001.) Additionally, section 30210 of the Coastal Act states, in relevant part, maximum access and recreational opportunities shall be provided consistent with “rights of private property owners.”

Finally, scientific research has made clear that allowing physical shoreline access unfortunately alters marine habitats, and that Big Sur’s marine habitats, in particular its rocky intertidal habitat, are thriving because they have been protected from human presence. Loana Addressi’s published article, *Human Disturbance and Long-Term Changes on a Rocky Intertidal Community*, concludes that human recreational activities on rocky intertidal habitat have caused long-term negative alteration of density and diversity of species, similar to what is occurring to the Big Sur landscape. The LUACs do not want to see the negative long term impacts that are occurring on Big Sur’s landscape to also occur on Big Sur’s fragile intertidal habitat. The protection is particularly important since Big Sur is surrounded by Monterey Bay National Marine Sanctuary and California Sea Otter State Game Refuge.

**D. Fuel Reduction to Prepare for Wildfires Must be Addressed Through Amending Environmentally Sensitive Habitat Area (“ESHA”) Policies.**

Since the 1986 LUP was written, three major high-heat intensity and severity wildfires have burned through Big Sur -- the Kirk Fire in 1999, the Basin Complex Fire in 2008, and the Soberanes Fire in 2016. On March 22, 2019, Governor Newsom proclaimed a state of emergency based on broad concerns of more destructive and deadly wildfires in Wildland Urban Interface in the future as follows:

[T]here are an estimated 2.2 million housing units in the Wildland Urban Interface, and the majority of these structures reside in high or very high fire hazard severity zones and immediate action is needed to prevent similar wildfires in the imminent future.

The proclamation identified 35 priority projects for fuel management in California, three (3) of which are in Monterey County, two of which are in the Big Sur Coastal Planning Area in recognition of Big Sur's very high fire hazard severity rating and Wildland Urban Interface. To enable completion of the projects Governor Newsom suspended laws including the Coastal Act and CEQA, also saying in his proclamation of emergency,

State statutes, rules, regulations, and requirements are hereby suspended to the extent they apply to the priority fuels reduction projects...

While the Governor's projects were completed, they unfortunately only address a small portion of the wildfire fuel reduction work needed in the Big Sur Coastal Planning Area.

In passing SB 901 in 2018, the State legislature also recognized the real need for wildfire fuel reduction "to improve forest health and reduce the risk and intensity of wildfires, thereby protecting the state from loss of life and property damage, reducing greenhouse gas emissions, enhancing ecosystem function, improving wildlife habitats, increasing water supply, improving water quality, reducing the amount of money the state must spend on wildfire response and rebuilding, and increasing carbon sequestration in our forest."

California law requires "defensible space of 100 feet from each side and from the front and rear of the structure" or can mandate a "greater distance" particularly if "an insurance company that insures an occupied dwelling or occupied structure ...require a greater distance" *if* a fire expert... provides findings that creation of defensible space is necessary "to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure." (Public Resources Code §4291(a)(b)&(c).) CAL FIRE's General Guidelines For Creating Defensible Space, which is incorporated by reference into the California Code of Regulations, includes in its definition of Defensible Space "[E]stablishment and maintenance of emergency vehicle access, emergency water reserves, ... and fuel modification measures". The Guidelines also provide that while property owners are not required to create more than 100 feet of Defensible Space, "[G]roups of property owners are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces." Both the 1986 LUP and the 2020 LUP Update contain provisions to allow and facilitate creation of effective Defensible Space beyond the 100 foot minimum distance, creation of community-wide Defensible Space, and creation of Defensible Space along roads for emergency vehicle access and safe evacuation. As noted above, the 1986 LUP and CIP include language that was intended to allow removal of certain vegetation

without the need for a permit (e.g., 1986 LUP policy 5.4.2.13), however that language was later declared meaningless by the County due to conflicts with policies intended to protect ESHA.

To reduce potential that the 2020 LUP Update may also be interpreted in the future to interfere with the ability to prepare for wildfires, the LUACs have included several approaches in it to enable wildfire fuel reduction work. Some of those approaches were borrowed from other coastal land use plans.

For example, in recognition of the need to work with local fire agencies having jurisdiction to enable fuel modification work in areas that would otherwise be considered ESHA,, the City of Malibu LCP, which was certified by the Coastal Commission as being consistent with the Coastal Act, provides policies designed to avoid conflicts between ESHA policies and the need to prepare for wildfires, most significant being the policy that takes areas where the fire authority requires wildfire fuel reduction work out of the definition of ESHA, stating at its section 30242.C.1.a.3.1, ESHA Designation, as follows:

[F]uel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.

The LUACs applied that general concept to the 2020 LUP, that areas do not meet the definition of ESHA where the Fire Authority Having Jurisdiction recommends wildfire fuel reduction work. That solution removes any conflicts that may have existed between ESHA policies and actions fire authorities recommend in order to prepare for wildfires.

With the 2020 LUP edits, the LUACs removed the need for residents to fear creating defensible spaces within ESHA to protect structures and the safe use of roads during wildfires, to comply with requirements under Public Resources Code section 4291, as required by their insurer, and as described in the General Guidelines For Creating Defensible Space. Another action the LUACs took to avoid policy conflicts in the 2020 LUP Update was to revise existing 1986 LUP Policy 5.4.2.13 to better define the term "removal of major vegetation", which is not defined in the Coastal Act, to allow certain vegetation removal for fuel management without the need for a coastal permit.

The ability to readily perform fuel management consistent with section 4291 and its implementing regulations such as the General Guidelines For Creating Defensible Space, within areas that might otherwise have been considered ESHA, is necessary because most of the Planning Area can be considered to be an environmentally sensitive area, which is broadly defined in the Coastal Act, and fuel buildup due to historic fire suppression has resulted in

increased risk of deadly and devastating wildfires, not only impacting lives and property but Big Sur's natural environment and species that reside therein.

The conflict between the two State laws (PRC section 4291 and the Coastal Act's provisions specific to environmentally sensitive areas) must be resolved in favor of protecting significant coastal resources. (See, e.g., Section 30007.5 of the Coastal Act, entitled *Legislative findings and declarations; resolution of policy conflicts*.) Allowing and facilitating performance of wildfire fuel reduction work better protects coastal resources. Should defensible space not be created around structures and along evacuation routes due to ESHA policies that do not recognize the need for wildfire fuel reduction work, high-heat intensity and severity wildfires and associated suppression activities such as dozer lines and airdrops of retardants to protect these very same structures and routes would result in more devastating destruction of ESHA. This is clear from past wildfires.

Simply stated, creation of effective defensible spaces around structures, roads, and water storage are more protective of ESHA than destructive wildfires. Given the significant benefits to protecting lives, property and resources, consistent with State law, policies were revised and new policies were added in the 2020 LUP Update to facilitate the ability of private landowners (and public agencies) to prepare for wildfires by allowing fuel management, including within areas that may have been considered ESHA.

**Table 1**  
**Section-By-Section Description of 2020 LUP Update**

<b>Section</b>	<b>Revisions/Updates</b>	<b>Rationale</b>
Section 1.1	Updates information. Adds references to documents prepared since the certification of the 1986 LUP.	Updated information to reflect current conditions. LUACs request that certain relevant documents referenced in the 2020 LUP Update, which have been prepared since the certification of the 1986 LUP, be included as Appendices to the update.
Section 1.2	Updates information.	Updated information to reflect current conditions.
Section 1.3	Describes changed circumstances and new conflicts.	The four main topics of focus in the 2020 LUP Update are: (1) preserving the Big Sur community by adding housing stock affordable to Big Sur employees and community members; (2) continues existing emphasis of visual access over physical access or destination to promote unencumbered and exceptional traveling experience on Highway One; (3) managing and maintaining existing miles of public trails rather than creating new unmanaged trails; and (4) readily allowing fuel management, including the creation of defensible space around structures and roads as required under state law, within ESHA by defining "removal of major vegetation". See Sections II and III of the memorandum.
Section 2.1	Updates information	Updated information to reflect current conditions.
Section 2.2	Describes changed circumstances and new conflicts.	The four main topics of focus in the 2020 LUP Update are: (1) preserving the Big Sur community by adding housing stock affordable to Big Sur employees and community members; (2) continues 1986 LUP emphasis on visual access over physical access or destination to promote unencumbered and exceptional traveling experience on Highway One; (3) managing and maintaining existing miles of public trails rather than creating new unmanaged trails; and (4) discusses the need to continue the 1986 LUP policy of readily allowing wildfire fuel reduction work without a permit. See Sections II and III of the memorandum.

<p>Section 2.3</p>	<p>Updates information. The LUACs request deletion of reference to Part 1 of the General Provisions of the Monterey County Local Coastal Program.</p>	<p>Due to the uniqueness of Big Sur recognized world-wide, the LUACs request that the 2020 LUP Update be a stand alone plan rather than be a part of the Monterey County Local Coastal Program which includes Part 1 (General Provisions). Additional sections can be added to allow the 2020 LUP Update to be a stand alone general plan for the Big Sur Coastal Planning Area.</p>
<p>Section 3.1</p>	<p>Updates information</p>	<p>Updated information to reflect current conditions.</p>
<p>Section 3.2.2</p>	<p>Adds new definitions.</p>	<p>To add clarity to the LUP.</p>
<p>Section 3.2.3.A</p>	<p>Includes trails and public parking as prohibited development within the Critical Viewshed, with the exception of the California Coastal Trail.</p>	<p>The definition of “development” in the Coastal Act, is broad and includes trails and public parking as “change in the density or intensity of land use.” (Coastal Act §30106.) All trails and parking facilities, including those included as conditions of approval or mitigation measures, are not allowed within the Critical Viewshed in order to protect the highest priority of access -- visual access. See Sections II.C and III.C of the memorandum.</p>
	<p>Includes a policy regarding transfer of development rights.</p>	<p>The transfer development credit process has been in place for decades as implemented by Monterey County. The policy is needed to limit development within the Critical Viewshed while avoiding a regulatory take of property. Coastal Act §30010 states that the Commission and local government must not exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation.</p>
<p>Section 3.2.3.B</p>	<p>Includes a description of federal consistency determination.</p>	<p>Governmental agencies have ignored the Coastal Act in the past. The LUACs felt it was important to provide notice of the federal consistency determination requirement in the 2020 LUP Update.</p>
	<p>Adds policies to prohibit planting of nonnative trees and for removal of the same</p>	<p>The LUACs desire to restore Big Sur back to its native mosaic landscape. The Big Sur Coast Planning Area has suffered from the proliferation</p>

	without a coastal permit.	of invasive species. See Section II.E.3 of the memorandum.
Section 3.2.4	Revises a policy for allowance of ingress and egress roads in consultation with a local fire agency with jurisdiction for lands not located within the Critical Viewshed.	Ingress and egress roads are essential for fire preparation, in particular for evacuation.
Section 3.2.5 A&B	Introduces Visitor and Community Serving Commercial (VCSC) land use designation and Affordable Housing Overlay.	<p>A new land use designation, "Visitor and Community Serving Commercial" replaced "Rural Community Center". Rural Community Center is not defined in Title 20. Uses of commercially-zoned properties should not be limited to visitor services only. The Big Sur community contributes substantially to visitor services and has its own needs, and the flexibility afforded in this new commercial designation would provide opportunities for land uses that provide services to both the community and visitors.</p> <p>In order to protect long-term survivability of the Big Sur community and visitor services, housing stock affordable to Big Sur's employees and community members must increase. The Affordable Housing Overlay is intended to add housing stock adjacent to commercial development to allow employees who work in Big Sur's commercial establishment avoid driving on Highway One to and from work.</p> <p>See Section II.E.1 of the memorandum.</p>
Section 3.2.5.C	Provides greater flexibility for essential ranching structures.	The revisions are in recognition of a priority of land use in the Coastal Act, which is coastal agriculture. See Section II.E.5 of the memorandum.
Section 3.2.5.F	Adds potential locations for restrooms.	Publicly available restrooms are desperately needed in the Big Sur Coast Planning Area.
	Eliminates potential locations for parking and other support facilities within the Critical Viewshed and on privately	Little Sur River Mouth is privately-owned land and thus, is inappropriate to propose parking or support facilities thereon for the State Park System. Any facility constructed at Point Sur

	owned property (i.e., "Little Sur River Mouth" and "Point Sur Lighthouse").	Lighthouse is likely to be visible from Highway One contrary to the Critical Viewshed policies.
Section 3.2.5.G	Eliminates the discussions of Otter Cove Subdivision and streamlines the discussions.	Otter Cove Subdivision is mostly built out and thus, specific discussion of development standards for buildout is outdated.
Section 3.3	Includes discussion of fire hazards and ESHA.	Describes ESHA to limit conflicts between existing laws and policy. See Sections II.D and III.D of the memorandum.
Section 3.3.2	Updates general policies to allow wildfire fuel management by not designating areas as ESHA where fuel treatment is beneficial, and to establish a role for local fire agencies having jurisdiction to provide oversight for fuel management consistent with Public Resources Code section 4291 and the General Guidelines For Creating Defensible Space.	In following the lead of the City of Malibu LCP, which was certified by the Coastal Commission as consistent with the Coastal Act, and allows fuels management by providing that areas in need of fuel reduction work do not meet the definition of ESHA, the revisions are needed to address accumulated fuels in the Planning Area. State law (Public Resources Code section 4291 and its implementing regulations) as well as insurance companies require the creation of defensible space around structures. The creation of defensible spaces around structures and roads is more protective of ESHA than high intensity and severity wildfires and associated fire suppression activities (dozer lines, airdrops of retardants, etc.) See Sections II.D and III.D of the memorandum.
Section 3.4	Updates policies to provide flexibility in water supply, storage, and use.	To maximize reasonable and beneficial use of water; See Section II.E.6 of memorandum.
	Eliminates discussion on water resource study area.	Monterey County has never established a Community Water Resource Monitoring Program for the Planning Area in the past 34 years since the certification of the 1986 LUP and thus, such provisions are removed.
Section 3.5	Updates to include discussions on Sudden Oak Death and pitch canker.	Update information.
	Non-substantive changes to policies other than definition of "removal of major vegetation" which is discussed in Section 3.7 below. Removes "Recommended	Monterey County has not enacted a timber harvest ordinance in the past 34 years since the certification of the 1986 LUP and thus, the recommendations are removed. See Section II.E.7 of the memorandum.



	Action" section including any reference to the County's timber harvest ordinance.	
Section 3.6	Revisions to support grazing operations.	Grazing is an important tool for fuel management and providing pastoral views. Coastal agriculture is a priority land use in the Coastal Act. See Section II.E.5 of the memorandum.
Section 3.7 (Section numbers in the 2020 LUP Update will need to be corrected – currently shown as Section 4.7.)	Separates discussions of hazards in the Planning Area into the following three categories: (1) geologic, (2) flooding and (3) fire.	The 1986 LUP did not include a specific section for fire hazards. Because high intensity and severity wildfires have burned through the Planning Area since the certification of the 1986 LUP, a specific section and associated policies to address wildfire hazards are warranted.
Section 3.7.4	Deletes policy referencing specific environmental review required under CEQA.	Discussions of specific environmental review required under CEQA is not appropriate in the LUP since projects are analyzed on a case-by-case basis by the lead agency.
Section 3.7.5.A	Amends policy specific to coastal armoring to limit its allowance to those structures existing at the time of the LUP and Highway 1.	Consistent with the Coastal Act, coastal armoring for any new development is discouraged. New development projects must ensure sufficient setback from the coastal bluff to avoid coastal armoring in the future.
	Deletes certain policies.	These policies are too specific and should be included in the Coastal Implementation Plan. (Note: The LUACs have never seen any participation by the California Division of Mines and Geology to assist Monterey County.)
Section 3.7.5.B	Revisions to policy to allow for road, bridges, water systems and other essential structures to be developed within the 100-year flood plain, along with outdoor recreation, etc.	Flexibility is needed to allow certain essential infrastructure development to occur within the 100-year flood plain.
Section 3.7.5.C	Adds policies to promote fuel management and enables local fire agency having jurisdiction to assist, in order to better prepare for wildfires.	In following the lead of the City of Malibu LCP, which was certified by the Coastal Commission as being consistent with the Coastal Act, fuels management is allowed by removing areas from the definition of ESHA where fuel modification is recommended by the local fire authority. The revisions are needed to address accumulated

		wildfire fuels in the Planning Area. State law (Public Resources Code section 4291 and its implementing regulations) as well as insurance companies require the creation of defensible space around structures and roads, and the creation of defensible space is more protective of ESHA than high intensity and severity wildfires and associated fire suppression activities (dozer lines and airdrops of retardants) which would result in devastating destruction of ESHA. See Sections II.D and III.D of the memorandum.
	Defines "Removal or harvesting of trees and other major vegetation" which is not defined in the Coastal Act	Although policies similar to the revised policies for "removal or harvesting of trees and other major vegetation" were included in the 1986 LUP that were intended to allow removal of accumulated vegetation without the need for a coastal permit to help maintain woodlands and brushlands and protect lives, property and resources, the policies have been interpreted by the County to be meaningless due to conflicts with other policies in the 1986 LUP. The revisions to the policies are intended to address the conflict between state law requiring and encouraging defensible space, other policies in the LUP Update, and the Coastal Act's broad definition of environmentally sensitive area. Because the term "removal of major vegetation" (under the definition of "development" in the Coastal Act) is not defined in the Coastal Act, it is defined in the 2020 LUP Update to allow for certain vegetation removals for fuel management without a coastal permit. See Sections II.D and III.D of the memorandum.
	Deletes "Recommended Actions" section.	Monterey County has not followed the recommendations in the past 34 years since the certification of the 1986 LUP and thus, these recommendations were removed. See Section II.E.7 of the memorandum.
Section 3.8	Policies remain essentially the same, making it difficult to proceed with any mineral and oil and gas extractions in the Planning Area. Updates discussions to eliminate irrelevant details, such as the	The LUACs support limiting any mineral and oil and gas extractions in the Planning Area in order to protect fragile coastal resources.

	easements owned by Granite Rock and references to outdated Protected Waterway Management Plans.	
Section 3.9	Eliminates references to environmental review under CEQA.	Discussions of specific environmental review required under CEQA is not appropriate in the LUP since projects are analyzed on a case-by-case basis by the lead agency.
Section 3.10	Minor edits with no substantive changes.	
	Updates include adding "Tribal Cultural" resources in the discussion and policies.	Updates are consistent with new CEQA requirements.
Section 4.1	Deletes level of service ("LOS") ratings provided by Caltrans.	The LUACs do not agree with the LOS for Highway One provided by Caltrans. Caltrans admits to not having average daily trip data during peak periods for segments of Highway One and the LOS is based on extrapolation of available data rather than actual traffic counts of Highway One segments during peak periods. Average daily trips during peak periods at certain troublesome segments of Highway One have not been collected to determine the LOS for those segments. To broadly state that the entire stretch of Highway One within the Planning Area is operating at LOS B or C is inaccurate, misleading and misrepresents the actual conditions of certain segments of Highway One. See Sections II.B and III.B of the memorandum.
Section 4.1	Amends policies to address exceedance of Highway One capacity at certain segments during certain seasons in order to protect and preserve visual access along Highway One as top priority public access.	As an "All-American Road", Highway One must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip. Vehicular parking along the Highway One, trash, human waste, traffic, overcrowding and trampling of native habitats have dampened that visitor experience. In particular, Highway One has reached its maximum capacity especially during summers and holidays, which was recognized 34 years ago in the 1986 LUP. In order to preserve visitor

		<p>experience along Highway One, the entire drive along Highway One along the Planning Area should be unencumbered to allow the public to thoroughly enjoy the spectacular visual access known around the world. Allowing for destinations (such as trails and vehicular parking along the highway) conflicts with the highest priority of resource protection recognized in the 1986 LUP – visual access. See Sections II.B and III.B of the memorandum.</p>
	<p>Adds policies to provide safety measures for Highway One.</p>	<p>The revisions are intended to address the need for implementing safety measures at Highway One, in particular at Sycamore Canyon Road to Pfeiffer Beach.</p>
<p>Section 4.2</p>	<p>Deletes “Recommended Actions” section.</p>	<p>Monterey County has not followed the recommendations in the past 34 years since the certification of the 1986 LUP and thus, these recommendations are meaningless. See Section II.E.7 of the memorandum.</p>
<p>Section 5.1</p>	<p>Includes discussions on the increased public ownership of lands in the Planning Area and the need for housing affordable to Big Sur employees and community members.</p>	<p>As of 2016, approximately seventy two percent (72%) of the Planning Area is in public ownership, up from about 50 percent when the 1986 LUP was written, and beyond the 60 percent the 1986 LUP projected. Housing affordable to Big Sur employees and community members are decreasing to the point where the continued viability of the Big Sur community is threatened. A strong residential community not only supports visitor serving commercial and recreational services, but it also provides a stable force that defines Big Sur’s character and heritage. See Sections II.A and III.A of the memorandum.</p>
<p>Sections 5.1.3</p>	<p>Eliminates discussions of Little Sur River and Point Sur beaches.</p>	<p>Little Sur River land is under private ownership and its beach is not available to the public. Beaches around Point Sur cannot be opened to the public due to provisions in the settlement agreement between the California State Parks and El Sur Ranch specific to the State Parks’ Point Sur General Plan. Any trail developed to access these beaches is prohibited under the Critical Viewshed policies in order to protect the highest priority of access – visual access.</p>

<p>Section 5.1.4</p>	<p>Updates the number of visitor serving units, campsites, and restaurants.</p>	<p>Update data as provided by Big Sur Chamber of Commerce.</p>
<p>Section 5.3</p>	<p>Eliminates as land use designations – “National Forest” and “Military and Coast Guard” -- and assigns land use designation for public lands as either “Public and Quasi-Public” or “Resource Conservation,” depending on restrictions placed on the public funds used to acquire that particular land or if land was acquired or reserved to protect it from development. Adds Visitor and Community Serving Commercial (“VCSC”) land use designation to replace “Rural Community Center.”</p>	<p>Land use designations were amended to match the current zoning districts’ descriptions of uses in Title 20 of the Monterey County Code. “National Forest” and “Military and Coast Guard” are not land use or zoning designations, but rather descriptions of land uses. Additionally, properties purchased by governmental agencies using grants or other funds were more thoroughly reviewed to determine whether any permanent restrictions were imposed in the grant/fund in purchasing that particular property. For example, properties purchased using the Habitat Conservation Fund must be restricted to preserving their natural state for wildlife and fishery habitats. For such properties, the land use designation is appropriately “Resource Conservation.” Similarly for lands acquired with Prop. 70 funds, the lands must be restricted to their present state in perpetuity. For public properties currently used or allowed for active developed recreation, their land use designation has been changed to “Public and Quasi Public.”</p> <p>For the commercial designation in the 2020 LUP Update, “Visitor and Community Serving Commercial,” the LUACs did not want the uses to be limited to visitor services only. The Big Sur community has its own needs, and the flexibility afforded in this new commercial designation would provide opportunities for land uses that provide services to both the community and visitors.</p> <p>See Section II.E.1 of the memorandum.</p>
<p>Section 5.4.2</p>	<p>Includes description of Affordable Housing Overlay, which includes certain incentives and innovative methods for increasing housing affordable to Big Sur employees and community members.</p>	<p>To increase the housing stock affordable to Big Sur’s employees and community members in order to keep the Big Sur community viable, incentives for affordable housing, similar to those provided in State Law for inclusionary housing, are included in the 2020 LUP Update.</p>

		<p>Additionally, innovative, non-traditional housing is promoted in the update.</p> <p>See Sections II.A and III.A of the memorandum.</p>
	Adds "Special Treatment Area".	A parcel near Treebones Resort is identified for potential housing affordable to Big Sur employees and community members. See Sections II.A and III.A of the memorandum.
	Allows bed & breakfast facilities to continue to provide transient rentals with specific conditions.	Rather than broadly allow transient rentals in the Planning Area, which has been shown to reduce long term rentals and cause other conflicts, the transient rental needs can be met through bed & breakfast facilities.
	Adds policies to prohibit time shares and short term rentals.	Monterey County has been attempting to enact an ordinance to regulate short term rentals for the past several years. Due to Big Sur's many narrow, steep private roads coupled with the community's need for long term rental properties, the LUACs believe time shares and short term rentals are not appropriate for the Big Sur Coastal Planning Area. The LUACs request that these prohibitions in the 2020 LUP Update be considered when developing the short term rental ordinance. See Sections II.A and III.A of the memorandum.
	Adds policies specific to special events.	Limitations must be placed on special events in the Planning Area to limit noise and disruptions to the quiet enjoyment of the forest setting. Events occurring in Carmel Valley (such as car shows) are simply not appropriate for the Planning Area because they disturb Big Sur's wild/wilderness character. Although the language in the 2020 LUP Update may be too specific and more appropriate for the Coastal Implementation Plan (CIP), the LUACs are concerned that if the language they proposed in the 2020 LUP Update are removed, they will not be incorporated in the CIP. The LUACs ask that these policies remain in the 2020 LUP Update.
	Deletes summary of development potential.	The LUACs believe that most of Big Sur is built out and do not believe 800 parcels are available and 100 new parcels can be created through subdivisions for development. Approximately 348 lots are located in the Garapatos Redwoods

		<p>Subdivision, which was originally subdivided in 1926 and created average lot size of 0.12 acres (approximately 5,136 square feet). Many more of the existing parcels in Big Sur are similarly undersized. Due to the lot configuration and size, many of these lots are not buildable, particularly since they do not meet the minimum lot size for septic and well. Subdivisions are now rare due to restrictions in the 1986 LUP, Title 20 and the Coastal Act and very few such applications have been submitted in the past 34 years since the certification of the 1986 LUP.</p>
	<p>Updates Table 1. Other than the maximum density policy (Policy 5.4.2.12), policies discussing Table 1 in the 1986 LUP were deleted – Table 1 has been updated to be self-explanatory regarding density.</p>	<p>In Table 1 and its corresponding policy (Policy 5.4.2.9) of the 1986 LUP, the maximum density is 300 new visitor-serving lodge or inn units in the Big Sur Coast Planning Area “based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast and the need for development to respect the rural character of the Big Sur Coast and its many natural resources.” Monterey County has not tracked the number of new units against the maximum density set forth in this policy, and the maximum density of 300 new units have been exceeded based on Big Sur Chamber’s count of visitor serving units in the Planning Area. To update the maximum density to match the number of existing units and to include those units that were projected to be developed in the 1986 LUP, the LUACs amended the maximum density to 500 units. See Section II.E.2 of the memorandum.</p>
<p>Section 5.4.3</p>	<p>Adds additional policies to clarify slope density formula.</p>	<p>To add clarity.</p>
	<p>Adds policy to require employee housing plan to be implemented concurrently with commercial development.</p>	<p>Although the 1986 LUP requires an employee housing plan for any new or expansion of commercial development, the development of employee housing pursuant to such plan often tends to lag behind the commercial development and in some cases, employee housing is not built or is later converted to visitor serving units. The 2020 LUP Update includes a policy to require the implementation of the employee housing plan and concurrent</p>

		development of employee housing with the commercial development.
Section 6	Removes references to Rural Community Centers. Parcels designated as "Rural Community Centers" are, in general, designated as VCSC in the 2020 LUP Update.	The 1986 LUP's land use designation maps do not designate parcels as "Rural Community Center"; instead, these parcels are shown as "general commercial", which is consistent with the VCSC description.
	Adds policy specific to accessory dwelling units to provide long term housing.	Housing affordable to Big Sur employees and community members is desperately needed in order to keep the Big Sur community viable. State law requires an allowance of accessory dwelling units on residential parcels. These units can provide the much needed long term rentals for employees and community members, but their utility for long term rentals will be defeated if they are allowed to be used for short term rentals. See Sections II.A and III.A of the memorandum.
	Removes references to Water Resource Study Areas and Recommendations	Monterey County has not required water resource study or followed the recommendations in the past 34 years since the certification of the 1986 LUP and thus, these provisions are meaningless. See Section II.E.7 of the memorandum.
	Focuses on protecting and preserving (1) visual access as the primary public access and (2) existing public trails.	Given Big Sur's steep coastal terrain, many of the most suitable locations for physical public access have already been developed and are in public ownership or have public access easements in the Big Sur Coast Planning Area. Seventy two percent (72%) of the Planning Area is in public ownership with miles of public trails created therein; however, these trails lack sufficient parking, restrooms and other amenities as well as maintenance and management. The 2020 LUP recognizes the need to properly manage and preserve existing public trails on public lands. The lack of adequate management of existing trails and the allowance of dispersed camping have degraded Big Sur's natural resources, visual access and visitor experience; introduced invasive species; and created public safety and wildfire hazards. The Coastal Act makes clear public access must not be considered if it is



		<p>inconsistent with the protection of fragile coastal resources or adequate access exists nearby. Both apply to most of the Planning Area. The focus should be on using the limited funds to manage and maintain the miles of existing public trails and restore their surrounding natural environment, rather than on creating new unmanaged trails. Creating new trails, when miles of existing public trails go unmanaged, is not a solution. See Sections II.C and III.C of the memorandum.</p>
	<p>Adds references to the local Coastal Trail planning process pursuant to the community's Coastal Trail Planning Document. The Coastal Trail is planned on trails already conveyed to and owned by local, state or federal government.</p>	<p>The local planning process for the California Coastal Trail has been ongoing with a draft trail alignment on existing trails on public lands already proposed. Funding associated with the Coastal Trail is anticipated to allow for proper management and maintenance of these public trails which would hopefully move toward resolving the conflict between public use of public trails and protection of natural resources and private property rights. See Sections II.C and III.C of the memorandum.</p>
<p>Table 2</p>	<p>Deletes Table 2</p>	<p>Table 2 is outdated. Some of the lands proposed for public access (e.g., Little Sur River &amp; Swiss Canyon) are privately owned, and others stem from private roads (e.g., Palo Colorado). Some locations are restricted to providing public access (e.g., Point Sur, Big Creek). These locations are not appropriate locations for public access for these reasons. Additionally, most of the locations are visible from Highway One and development thereon are prohibited under the Critical Viewshed policies. As stated previously, creating new trails, when miles of existing public trails go unmanaged, is not a solution.</p> <p>The LUACs believe any eminent domain proceedings to acquire Coastal shoreline access is contrary to the Coastal Act which recognizes the need to protect private property rights. Sections 30001 and 30210 of the Coastal Act state that providing public access and recreational opportunities must be consistent with the rights of private property owners.</p>

		See Sections II.C and III.C of memorandum.
	Updates land use designation map with new land use designations.	<p>The land use designations were amended to match the current land uses and also to match the current zoning districts' descriptions of uses in Title 20 of the Monterey County Code. For example, "National Forest", "Military", "Wetlands &amp; Coastal Strands" and "Forest &amp; Upland Habitat" are not land uses or zoning designations, but rather descriptions of the environment or its use, yet they are shown on the land use designation maps and described as land use designations in Chapter 5.3 of the 1986 LUP. These "designations" were removed from the land use designation maps and discussions. Appropriate land use designations consistent with Title 20 were assigned to each parcel in the Big Sur Coast Planning Area.</p> <p>Additionally, properties purchased by governmental agencies using grants or other funds were reviewed more thoroughly to determine whether there were any permanent restrictions imposed in the grant/fund in purchasing any such property. For example, properties purchased using the Habitat Conservation Fund must be restricted to preserving their natural state for wildlife and fishery habitats, rather than used for active, developed recreation. For such properties, the land use designation is appropriately "Resource Conservation." For public properties currently used or allowed for active developed recreation, their land use designation has been amended to "Public and Quasi Public."</p> <p>Certain parcels shown on the land use designation maps have split land use designations. Because the land use designation maps are large in scale, the exact boundary delineating the two land use designations on a single parcel cannot be accurately determined and have caused problems in land use decisions. Accordingly, a single land use designation is set for each parcel, with certain exceptions each with rationale.</p> <p>See Section II.E.1 of the memorandum.</p>

<p>Figures 2 and 3</p>	<p>Shows only existing public trails and removes trails (1) shown on private lands; (2) on lands which are deed restricted or not yet publicly owned; and (3) visible from Highway One.</p>	<p>As stated previously, many of the most suitable locations for physical public access are already in public ownership or have public access easements in the Big Sur Coast Planning Area. The steep terrain along the coast does not provide for additional safe shoreline access from public land.</p> <p>Most of the locations shown on the figures are visible from Highway One and development thereon are prohibited under the Critical Viewshed policies. Any public access, including those as conditions of approval or mitigation measures of any project approval, must be consistent with the Critical Viewshed policies. The definition of "development" in the Coastal Act, is broad and includes trails as "change in the density or intensity of land use." (Coastal Act §30106.) Simply stated, all trails, including those shown on the figures, must be subject to the Critical Viewshed policies and such development must not be allowed within the Critical Viewshed in order to protect the highest priority of access -- visual access.</p> <p>The LUACs believe any eminent domain proceedings to acquire Coastal shoreline access is contrary to the Coastal Act which recognizes the need to protect private property rights. See Sections II.C and III.C of memorandum. Sections 30001 and 30210 of the Coastal Act state that providing public access and recreational opportunities must be consistent with the rights of private property owners.</p> <p>See Sections II.C and III.C of the memorandum.</p>
<p>Details A-F</p>	<p>Deletes Details A-F</p>	<p>The land use designation maps have been updated so that these details are no longer needed. See Section II.E.1 of the memorandum.</p>

# Attachment 1

## Big Sur Chamber of Commerce

November 5, 2016

Jacqueline Onciano  
County of Monterey  
Resource Management Agency  
168 W. Alisal St.  
2<sup>nd</sup> Floor  
Salinas, CA 93901  
Email: [oncianoj@co.monterey.ca.us](mailto:oncianoj@co.monterey.ca.us)

### Sent via Email

Dear Jacqueline,

As per your request, the Big Sur Chamber of Commerce has compiled a survey of the commercial lodging establishments in the Big Sur Planning Area to determine the number of overnight visitor serving units. For the purposes of this survey, a unit was defined as a cabin, cottage, room, or bed (where facility made beds available to separate individual guests), but does not include tent cabins that are located on camp sites within campgrounds.

This survey utilized information from public records, individual business web sites, the Big Sur Guide, member listings on the Big Sur Chamber of Commerce web site, direct contact with business representatives, and estimates in those cases where information was not currently available.

This survey thus provides an estimate of the number of visitor serving accommodations currently active in the commercial business sector of the Big Sur Planning Area and it does not distinguish between those units that were active as of the adoption and implementation of the Big Sur Local Coastal Land Use Plan and those that were subsequently added or developed.

### **Total number of units: 481**

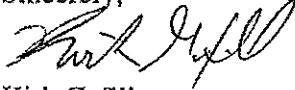
Properties included in survey included:

Big Sur Campgrounds and Cabins  
Big Sur Lodge  
Big Sur River Inn  
Deetjen's Big Sur Inn  
Esalen Institute  
Fernwood Resort  
Glen Oaks Motel  
Gorda  
Lucia Lodge  
New Camaldoli Hermitage

Post Ranch Inn  
Ripplewood Resort  
Riverside Campground and Cabins  
Treebones Resort  
Ventana Inn and Spa

If you have any questions or would like any additional information, please feel free to call me at 831.667.7326.

Sincerely,



Kirk Gafill  
President

c/o  
Nepenthe/Phoenix Corporation  
48510 Highway 1  
Big Sur, CA 93920  
Ph: 831.667.7326 – Direct  
Ph: 831.667.2345 – Main  
Fax: 831.667.2394  
Email: [kgafill@nepenthebigsur.com](mailto:kgafill@nepenthebigsur.com)