



Monterey County Planning Commission

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No. 3
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BIG SUR COAST LAND USE PLAN UPDATE WORKSHOP 2

Conduct a public workshop to review and provide direction on the draft Big Sur Coast Land Use Plan update prior to environmental review.

Project Location: Big Sur Coastal Planning Area

Proposed CEQA action: A planning workshop is exempt per CEQA Guidelines Section 15262.

RECOMMENDATIONS

It is recommended that the Planning Commission:

1. Find that the planning workshop is a planning study for possible future action and qualifies as a Statutory Exemption per Section 15262 of the CEQA Guidelines;
2. Receive a presentation and take public testimony on the draft Big Sur Land Use Plan Update; and
3. Provide direction to staff on the draft Big Sur Coast Land Use Plan Update.

PROJECT INFORMATION

Planning File Number: REF210024

APN: Multiple

Project Location: Big Sur Coast Land Use Plan Planning Area

Plan Area: Big Sur Coast Land Use Plan, Coastal Zone

SUMMARY:

This is the second in a series of planned workshops with the Planning Commission on the Big Sur Land Use Plan update. On July 14, 2021, the Planning Commission held the first Big Sur Coast Land Use Plan Update (BSLUP) Workshop. Staff presented summaries of key plan issues and updates, and representatives from the Big Sur and South Coast Land Use Advisory Committees (LUACs) provided a joint presentation on the updates. Members of the public also provided comments. The Commission began reviewing the draft plan on a topical and line by line basis. The Commission's review ended after Section 3.5 Forest Resources, p.44. The meeting was adjourned to the next workshop on August 11, to continue the plan review and discussion.

In addition to the line-by-line review of the Plan during the first workshop, Commissioners had several questions and comments on the draft wording. Below is a list of the comments and requests from the Commission that staff intends to discuss at the second workshop. Additional information on each of these topics is provided in the discussion portion of this report below. According to staff's notes, the Commission requested the following:

1. An updated version of the draft plan showing underline and strike-through edits.
2. Legal advice on the relationship between Environmentally Sensitive Habitat Area (ESHA) protections and fire fuel management.
3. Information from the City Malibu Coastal Plan policies concerning ESHA and fire fuel management.
4. Information on “ad hoc” and assigned locations for parking along Highway 1 and other visitor destinations along the coast.
5. Information on bike trails.
6. Information about what the Coastal Act says about access to the Coast.
7. Information about what design standards would apply to workforce housing in commercial areas visible from Highway 1.
8. Information about the consistency of proposed new land use categories with the zoning ordinance, especially for Public and Quasi Public and Community and Visitor Serving categories.
9. Information about the recommendation to keep the Transfer of Development Credits policies to apply only to the Big Sur Coast and not to the countywide Transfer of Development Rights program.
10. Consideration of changing “objectives” to “policies” in the Introduction.
11. Consideration of adding language in the Introduction concerning the applicability of the plan policies to the Local Coastal Plan overall.
12. Consideration of what the plan narratives mean vis a vis plan policy.
13. Consideration of removing “constitutional takings” language from several policies.

DISCUSSION

The following items are responses to the comments and questions raised at Workshop 1.

1. **Working Draft BSLUP.** An updated version of the draft BSLUP strike through and underline copy is included as **Exhibit A**. This includes typographical and formatting updates, but not changes to the text received since Workshop 1.
2. **Refinement and discussion of ESHA legal issues.** **Exhibit B** is a memorandum from Ms. Wendy Strimling, Assistant County Attorney concerning ESHA issues.
3. **City of Malibu ESHA policies.** **Exhibit C** is a memorandum from John Dugan providing additional information about how the City of Malibu ESHA policies concerning fire fuel management are implemented. The Malibu policies exempting ESHA from property pursuant to the Los Angeles County Fire Department is strictly limited to the 100-foot defensible space around existing permitted structures.
4. **Fire Fuel Management.** While the Commission did not ask questions about this topic, it is directly related to the ESHA issues and several fire fuel management policies. **Exhibit D** is a summary of the California Coastal Commission’s staff report recommending approval and certification of a Fire Fuel and Forest Management Plan for Santa Cruz County. This Plan, and another like it adopted in San Mateo County, are designed to permit large scale (thousands of acres) fire fuel management activities consistent with CEQA and ESHA regulations and the

California Coastal Act. A similar Plan is being developed for Monterey County in collaboration with the County Resource Conservation District (RCD), CalFire, State Parks, and HCD. The Commission may consider reference to such Fire Fuel and Forest Management Plans to address large scale fire fuel management in the Big Sur LUP.

5. **Parking Along Highway 1.** As the County experienced with the no parking restriction on the east side of Hwy 1 near the entrance to Point Lobos State Park, the Coastal Commission (CCC) staff expressed concern about maintenance of access to the coast. This extends to parking along Highway 1 and other parking options. The CCC might consider temporary suspension of access (such as no parking regulations) if significant public safety risks are to be demonstrated or alternative solutions to access, such as alternative parking locations and a shuttle, can be achieved. Long-term, the CCC will likely seek a coordinated solution that restores and preserves access to the coast and coastal destinations.
6. **Bike Trails.** Caltrans is currently updating its Active Transportation Plan for District 5, which includes Big Sur. The plan is still in process, but information may be found at <https://www.catplan.org/district-5>. Generally, as bike trails are primarily located within the right of way for Highway 1, and the State owns the right of way, state policies will determine bike trail locations.
7. **Coastal Access.** The California Coastal Act states that one of its basic goals is to maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. Article 2 of the California Coastal Act mandates that development shall not interfere with the public's right to access the sea and coastal beaches.

Chapter 3 of the Coastal Act contains the standards used by the Coastal Commission in the review of coastal development permits and Local Coastal Programs. The chapter's seven articles govern all development along the Coast, and mandate protection of public access, recreational opportunities, and marine and land resources. Key provisions of the Act are summarized as follows:

Article 1 states that Chapter 3 shall be used as the standard against which the legality of LCPs and development permits will be measured.

Article 2 mandates that development shall not interfere with the public's right to access the sea and coastal beaches.

Article 3 covers recreation, placing a priority on coastal dependent public and private recreation over residential development.

Article 4 deals with protection of the marine environment, including water quality issues, wetlands protections and coastal armoring.

Article 5 includes protections for environmentally sensitive habitat, agriculture and archeological resources.

Article 6 deals with development and issues such as protection of coastal views, limitations on coastal armoring and landform alteration, and geologic hazards.

Article 7 covers industrial development.

8. **Design Standards for Workforce Housing.** The Coastal Implementation Plan (CIP) should include new design standards for workforce housing that will be visible from Highway 1. Policies can be added to the LUP that direct that implementation plan. Input from the Planning Commission is sought on this matter.
9. **New land use category consistency with zoning regulations.** The proposed land use categories are generally consistent with the land use categories of Title 20, the Coastal Zoning Ordinance. After the plan has been finalized, any modifications required to Title 20 will be reflected in the Coastal Implementation Plan and implementing zoning ordinance changes adopted.
10. **Transfer of Development Credits and Development Rights.** The staff agrees with the LUACs recommendation to keep the TDC program exclusive to Big Sur. Otherwise, if the coastal TDC program were merged with the county-wide Transfer of Development Rights program, needed coastal housing units could be transferred away from the coast, worsening the current housing deficit.
11. **Policies and Objectives.** Staff supports keeping the current adopted plan wording in the Introduction as “Policies” not “Objectives.”
12. **Additional Policy language in the Introduction concerning policy applicability to overall Local Coastal Program.** The Introduction includes narrative and policy language that refer to the 1982 General Plan and the entire Coastal Plan. The language should be revised to state that the BSLUP policies apply only to the BSLUP planning area. Future planning work programs and projects will update the larger Coastal Plan.
13. **How are the plans’ narrative statements to be interpreted and used vis a vis the plan’s policies?** The narratives in current land use plans are used to help provide legislative intent and to inform interpretation of the policy language. They are not regulatory policies in themselves.
14. **Constitutional Takings.** Staff supports deleting “constitutional takings” language from several policies.

ENVIRONMENTAL REVIEW

This workshop is intended to seek input and direction from the Planning Commission and the public to develop a land use plan that will be formally considered at a later stage by the Planning Commission, Board of Supervisors, and California Coastal Commission. This information gathering qualifies for a statutory exemption from environmental review pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. Furthermore, the workshop, and its outcome, is not a project as defined in CEQA Guidelines Section 15378. The policies being developed will be analyzed as a portion of the project description in environmental assessment being prepared for the draft Big Sur Coast Land Use Plan.

OTHER AGENCY INVOLVEMENT

California Coastal Commission

Prepared by: John M. Dugan FAICP, Management Specialist HCD

Reviewed by: Craig Spencer, Planning Services Manager

Approved by: Erik Lundquist, AICP, Director HCD

The following attachments are on file with HCD:

Exhibit A - Working Draft BSLUP Strike Through and Underline Copy

Exhibit B - Refinement and Discussion of ESHA Legal Issues

Exhibit C - City of Malibu ESHA Policies

Exhibit D - Fire Fuel and Forest Management Plan for Santa Cruz County Staff Report

cc: Front Counter Copy, Planning Commission, Supervisor Adams, Kevin Kahn and Mike Watson, California Coastal Commission, Land Watch, Arden Handshy, Bede Healey, Charlie Kelsey, Keith Vandevere, Patrick Orosco, Raniero Hoffman, Robert Carver, Joe Sidor, Tim Billis, Sarah Hardgrave, Big Sur and South Coast LUACs