

# Exhibit D

This page intentionally left blank.

**McDougal, Melissa x5146**

---

**From:** Holm, Carl P. x5103  
**Sent:** Friday, December 29, 2017 6:34 AM  
**To:** Beretti, Melanie x5285; McDougal, Melissa x5146  
**Cc:** Dugan, John x6654; Onciano, Jacqueline x5193  
**Subject:** Fw: Comment on STRs in the Big Sur Land Use Planning Area  
**Attachments:** Planning Commission Testimony.docx; BSLUP Notice of STR Exclusion from Discussion.docx; Communication with Jacquie Onciano Regarding BSLUP and STRS.docx; BSLUAC Vacation Rental Proposal, September 8, 2014.docx

FYI

Melissa

Please forward to PC with other communications we receive prior to the hearing. Also, copy District 5 on all communications so they can track along.

Thank you

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	STR
DATE RECEIVED:	12/28/17
SUBMITTED BY/VIA:	Rubie email
DISTRIBUTION TO/DATE:	PC
DATE OF HEARING:	1/10/18

---

**From:** Janie Rommel-Eichorn <countryflat1@gmail.com>  
**Sent:** Thursday, December 28, 2017 9:43 PM  
**To:** Holm, Carl P. x5103  
**Subject:** Comment on STRs in the Big Sur Land Use Planning Area

Dear Mr. Holm,

Please find attached my comments on the inclusion of STRs in the Big Sur Land Use Planning Area.

Sincerely,

Janie Rommel-Eichorn

Janie Rommel-Eichorn  
PO Box 222958  
Carmel, CA 93922  
(831)624-2894  
countryflat1@gmail.com

Janie Rommel-Eichorn  
PO Box 222958  
Carmel, CA 93922  
(831)624-2894  
[countryflat1@gmail.com](mailto:countryflat1@gmail.com)

December 31, 2017

Dear Mr. Holm,

I am a resident of the Big Sur Planning Area, and have advocated for a fair and reasonable STR ordinance for Monterey County since 2013. I served on the STR Working Group in 2015-16 convened by Supervisor Dave Potter, therefore have been privy to the gritty discussions all along. I also attended many Big Sur LUAC meetings during the period of the update. I have no dog in this fight anymore. For personal reasons we stopped offering an STR almost 2 years ago. During the time we did, it was one of the most rewarding experiences we have ever had, hosting lovely people from all over the world in our home. When we began we had no idea it wasn't allowed as so many people we knew had offered their homes in the Big Sur area with no issues for years.

First, I commend the LUAC on the many hours they spent updating the Big Sur LUP. They worked for years with extraordinarily tedious items to create a more relevant, modern draft land use plan. What I want to share here is my deep dissatisfaction on how the STR issue was handled during this process and ask that language prohibiting STRs be struck from the Land Use Plan. I believe the STR issue in Big Sur should be hashed out in the Planning Commission and Board of Supervisors where it is safe, respectful and all ideas will be considered. Here hopefully we can find compromise. It was not that way at the LUAC.

The LUAC meetings were held on Mondays at 9:30 AM which was a very inconvenient time for people who work normal hours. Many of us who cared about the STR issue drove from the northern end of the BS land use planning area such as Palo Colorado to Big Sur for meetings when we could. There was a brief period when accommodation was offered for meetings once a month at 5:30 pm, so a number of us availed ourselves of those times. The attitude of the LUAC from the outset was entrenchment in the prohibition of short term rentals in the BSLUP area. It was very difficult for those of us who wished to offer our homes on a short term basis to get any traction with the group. We were granted one meeting on September 8, 2014 to present possible options toward compromise. It was a hard meeting as we were ridiculed often and there was very little receptivity to including our ideas in the formulation of the LUP around the STR issue. I have attached what we presented, but it was never seriously considered. It was an attempt at a starting point for dialog.

Next, we were told that when the RMA staff members Martin Carver and Jacquie Onciano were to begin attending meetings occasionally to help the LUAC in their development of the LUP, the STR issue would NOT be included in language in the LUP and be handled by the County through the ordinance that was being developed. Each week LUAC would send out an email and it would say "Again, the review will not

include any discussion on transient use [short term rentals] as this is being considered separately by the County)" A copy of such an email is attached.

So, we pro STR folks stayed away. Then, in May, 2016 when the draft LUP was made available, I saw that indeed the STR issue HAD been included in the document with no opportunity for us to have any input. I immediately wrote to Jacqueline Onciano and Martin Carver, the latter of whom had subsequently left the RMA, to express my opposition to this action, and was simply encouraged to stay involved. The communication is attached.

I believe the BS LUAC did a bait and switch on us to avoid any possibility of compromise. What has disturbed me deeply since the beginning of this process is that there has been little effort toward finding a solution that would allow some STR, with good regulation in the BSLUP. We all want to protect the beauty and preciousness of the Big Sur. We don't support buyers coming into Big Sur to purchase a home to be a short term vacation rental. What I do advocate is allowing property owners who are trying to stay on their land, pay their mortgages and leave their properties to their children to share their homes as an STR with good regulations. I also support property owners who desire to rent a home on a short term basis but live close by or have a caretaker. This helps neighbors to stay in Big Sur, and not sell out to wealthy out of town buyers who change the culture of the Big Sur area. I know several long term senior residents of Big Sur who have already had to take this option when their STR was forbidden.

I am saddened by what I have seen in the Big Sur community in the last 4 years. The community meetings, facilitated by planner John Ford in 2013 and 2014 were horrifying, filled with meanness, vitriol, bullying, so that pro STR people were intimidated. I urge the Planning Commission to facilitate a workable compromise that addresses the concerns of all parties and allows some well regulated STRS to be permissible in the Big Sur Land use Area. May peace can once again be restored to the residents of the Big Sur Land Use Planning Area.

Sincerely,

Janie Rommel-Eichorn

# Big Sur Coast Land Use Plan Update

Hello everyone,

The next LUP update meeting will be on Monday, April 4, 2016, at the MAF starting at 9:30AM. The subject will be continued review and edit of Section 5, Land Use. Specific attention should be given to the following parts: Special Treatment Areas, Slope Density and Table 1, among others as time allows. (Again, the review will not include any discussion on transient use [short term rentals] as this is being considered separately by the County).

You may download a red line copy of the draft LUP Chapters 1 - 5 from today's meeting [HERE](#). (Word document, 175 pages, 420KB). Please note that the formatting, paragraph numbering, references and other issues may need fixing throughout the document.

A letter from the LUACs to various government agencies regarding the overuse and need for protection of local resources will also be discussed. Everyone is welcome to comment on or make suggestions for inclusion in the letter. A draft of this letter may be downloaded [HERE](#). (Word document, 2 pages, 20KB).

*Copyright 2013© Big Sur Land Use Advisory Committee  
All rights reserved.*

[unsubscribe from this list](#) | [update subscription preferences](#)

**From:** Janie Rommel-Eichorn [mailto:countryflat@earthlink.net]  
**Sent:** Wednesday, May 18, 2016 2:49 PM  
**To:** Carver, Martin 796-6049; Onciano, Jacqueline x5193  
**Subject:** Questions about the Big Sur Land Use Plan Update

Dear Martin and Jacquie,

I am a resident of the Big Sur area and a part of the Short Term Rental Work Group that Supervisor Dave Potter convened in 2015 to work toward consensus on an ordinance for the entire county. I, and a number of members of our group, the Monterey County Vacation Rental Alliance, attended as many Big Sur LUAC meetings as we could in 2013, 2014 and 2015. The push back and resistance to considering possible language in the LUP to permit and regulate short term rentals was horrendous. There was no opening, no receptivity, and long term Big Sur residents such as ourselves were consistently shut down. It was not a fair process. Most of us, deeply discouraged, stopped attending the meetings. Many of us work and could not get to a 9:30 AM meeting every Monday in Big Sur. We DID attend the meetings which we lobbied for once a month at 5:30 PM when they were held, but those eventually were discontinued. Keep the opposition out, so their voices cannot be heard by scheduling meetings when they can't come.

I receive the reports after the LUAC meetings and I am writing to voice a big concern. Our group had attempted early on to negotiate some language in the update regarding STRs. The LUAC told us that the county ( assuming that was you all, being the County reps in charge of this process) told the LUAC that the STR process would be decided through other means, likely meaning the STR Ordinance that has been bogged down for the last three years. It is finally starting to move forward. Lately, each time an email came from LUAC, it would say something to the effect that "Short Term Rentals will be dealt with in a different manner by the County." And I agree it was rather pointless to continue to attempt a dialog with the LUAC members since they are so entrenched in their position. Of course, a statement like this WOULD keep the advocates away from a meeting if they were told, "can't talk about it here anymore."

So, here is my concern: As I review the work that was sent out pursuant to the May 16 meeting I was alarmed when I found the following verbiage. I underlined in RED the sentences I protest. IF discussing or making recommendations about short term rentals in the Big Sur Land Use Planning area are NOT to be a part of the LUP then why is there verbiage prohibiting them and discussing prohibition of long term housing being converted to short term? My point is since the county is dealing with this issue elsewhere, there should be NO mention of short term rentals in the BSLUP update. Do you see how unrepresentative of a process the LUP Update is in this arena?

The Big Sur LUAC writes for their purposes and purports to represent the whole of Big Sur. They don't AND there has never been a fair process for folks with opposing views to articulate or

get their concerns addressed. I would appreciate your response to my concerns. My request would be to strike any reference to Short Term Rentals in the Big Sur Land Use Plan Update. It is unfair to include any language without representation from people who support them and there is no forum for that to take place within the LUAC meetings. I believe it was prudent for Dave Potter to convene the work group. Even though the members from the Big Sur LUAC present continued to stonewall any dialog about possible inclusion of STRs in the Big Sur Land Use Planning Area.

I am attaching the part of the update that caused me alarm:

Employee Housing Overlay over Visitor and Community Serving Commercial Land Use Designation: last sentence I highlighted in RED

5.3.2 Bed and Breakfast B.2 Last sentence highlighted in RED

With respect and appreciation,

Janie Rommel-Eichorn

Ms. Onciano's response:

Good Afternoon, Ms Rommel-Eichorn:

Thank you for your email.

The Big Sur Coast/South County Land use Advisory Committees are in the process of working with RMA staff on the update to the Big Sur Coast Land Use Plan (BSCLUP) and Coastal Implementation Plan (CIP). These are public meetings. We recognized that are different views regarding Short Term Rentals (STR). The update to the BSLUP and CIP is a work that has been in process for over three years. While it was anticipated that a STR Ordinances was going to move a head of the update, that is not the case. The two processes are now moving concurrently. That being said, RMA staff are working together to consider how to move forward. Both documents will be presented through a public hearing process. We invite you to continue to work with us. If you have any additional questions, please do not hesitate to give us a call.

Kind regards,

Jacqueline O.

*~Jacqueline R. Onciano*

*RMA Services Manager/Zoning Administrator*

*Monterey County Resource Management Agency*

*168 W. Alisal St. 2nd Floor*

*Salinas, CA 93901*

*Office: (831) 755-5193*

*Fax: (831) 757-9516*

[oncianoj@co.monterey.ca.us](mailto:oncianoj@co.monterey.ca.us)

September \_\_\_8,\_\_\_2014

To BSLUAC members and other interested parties:

The following are documents created by a committee of the Board of Directors of the Monterey County Vacation Rental Alliance as requested by the Big Sur LUAC. This arose out of an open dialogue that occurred on Monday, August 4, 2014 during the once monthly meeting that LUAC has graciously scheduled so that residents who cannot attend the Monday AM meetings may participate.

They include elements relating to restrictions and allowances for a Vacation Rental Ordinance for Monterey County in a form acceptable to the Alliance and delineating implementation pathways taking into account the particular needs of the Big Sur community. We have taken Option #2 in the LUP update created by BSLUAC and offered edits for discussion as well as points that may not have been considered previously.

We have been working with County staff for over a year to assist them in writing the Ordinance, and now we are sharing this work with the BSLUAC with the intent that it be integrated with revisions of the BSLUP.

The vacuum created by lack of an effective ordinance has led to conflicts among neighbors along the Coast. We have crafted restrictions and guidelines for both hosts and guests based on concerns from Big Sur residents and the interests of resident hosts.

Sincerely,

**Suggested Vacation Rental  
Restrictions and Guidelines Particular to the Big Sur Area**

In order to protect the privacy of the residents of the area, the following limitations shall apply to Vacation Rental:

1. Must be owned by a person registered to vote in Monterey County. Owner must live on property or they or a representative must be available 24/7 to be at the property within 30 minutes.
  2. Existing primary, second and accessory habitable residential structures are allowed for overnight short term or long term rental.
  3. New residential structures, with density consistent with underlying land use designation, are allowed for long and short term rental.
  4. Must obtain Use Permit to be renewed every 5 years. Use Permit expires when property transfers ownership.
  5. Maximum number of 75 overnight and short term rentals are allowed in the Big Sur planning area. Mal Paso to the San Luis Obispo County line. (Currently, there are 53 known overnight and short term residential rentals.)
  6. Two persons per bedroom + 2 additional are allowed for overnight or short term rental.
  7. No parking is allowed along the road; parking for renters must be provided on the property.
  8. As conditions of the Use Permit, traffic impacts of private roads must be addressed.
  9. Direct access from Highway 1 or public road, or if on private roads, requires 50% approval by each neighborhood (e.g., Partington, etc.) from landowners with property accessed from the private road.
  10. All short and long term rental hosts:
    - i. shall require signage of a "hold harmless" contract of renters to the benefit of landowners of a private road.
    - ii. demonstrate sufficient insurance coverage
    - iii. pay TOT, and request of Monterey County that 50% of TOT recovered from the Big Sur Coastal Planning Area to be provided to support local emergency services (e.g., Big Sur, Mid-Coast Fire Brigades, Big Sur Health Center, ambulance, etc.)
- OR-
- raise TOT to 15% in the Title 20 area and one half (7.5%) be designated by the County Treasurer for local emergency services.

iv..demonstrate adequate sewage disposal and water supply.

11. Active enforcement of Use Permit is implemented through the MCVRA funded hotline; The County shall establish a citizen review committee to consider violation reports and hear the complaining party in the presence of the renting host. A list of hosting practices and solutions\* to neighborhood issues shall be written to guide hosts toward better practices.

\*Examples of best practices which provide solutions to existing stated concerns:

i. Road wear and tear: Residents on private roads can choose to install a gate with separate codes for each home and charge for maintenance according to frequency of use. (e.g. Clear Ridge)

ii. Prevention of guest confusion as to destination: Guests must be met by host or representative on private roads if home is more than 700 yards from road commencement upon first arrival.

iii. At first arrival, guests must be met prior to sunset.

## Good Neighbor Policy for Guests of “ \_\_\_\_\_ ” Vacation Rental

### **Guest Code of Conduct:**

Welcome to one of the most beautiful and peaceful places on the planet. It is an honor that you have chosen to stay with us and likewise it is a privilege that we have opened our home to you. We have worked hard to make this possible. We appreciate your cooperation and support so we can continue to share our home and community with you and future guests.

Vacation rental properties are often located in neighborhoods that include short-term guests, second homes, and full-time residents. Please observe all rules and regulations, which are provided for each property. All guests, as well as owner, are required to conform to all rules and regulations of the properties. Violators are subject to immediate eviction. Please be a good neighbor! Respect the rights and space of nearby neighbors.

There is a 24/7 Hot Line 831-250-6801 for neighbors to report disrespectful or inappropriate behavior possibly resulting in citations, fines and eviction from the rented property for both you and your guests. These rules apply to every guest. We also encourage our neighbors to practice similar practices.

We are dedicated to maintaining “good neighbor” policies and responsibly caring for our neighbors’ rights. We ask that guests recognize “ \_\_\_\_\_ ” Vacation Rental’s dedication to maintaining a peaceful family atmosphere for all residents and visitors of Monterey County. We belong to an organization called Monterey County Vacation Rental Alliance <http://www.mcvra.org> whose members pledge to inform all of our guests about local laws, community rules, beach rules, safety, and respect for the neighborhood. We are a self-regulated group made up of individual homeowners, vacation rental managers representing homeowners, local business members, concerned citizens and neighbors.

“ \_\_\_\_\_ ” Vacation Rental requests that all our guests abide by the “good neighbor” policy outlined below.

- All rental properties are designated for residential use consistent with Monterey County regulations. Large groups, receptions or other large events are not allowed.
- Guests shall bring written driving directions with them. Neighbors are not to be disturbed if guests are lost.

- Motor homes, campers, and tents are prohibited and may not be parked or hooked up at rental property.
- Posted street signage (speed limits, parking, etc.) will be obeyed.
- Cars parked on premises shall not exceed the property's published parking capacity. Cars must be parked in the driveway or designated parking area of the rental property. Parking in neighboring yards or driveways is prohibited. Vehicles will not be driven or parked where not allowed. Please do not turn around in neighbors' driveways.
- Please respect the neighborhood and your neighbor's right to quiet enjoyment of their home. Loud music and noise is prohibited. Quiet time is from 10:00 pm to 8:00 am. Please be a good neighbor!
- Overnight guests shall not exceed the property's posted occupancy. Only registered guests shall occupy the rental property, unless written permission has been given.
- Only registered pets are allowed in designated rental properties. Leash laws must be obeyed and pets are not allowed on the beach except where noted. Please do not leave your dog home alone and always clean up after your pet. Carmel is well-known for its pet-friendly restaurants.
- Help keep Monterey County clean! Garbage should be bagged securely and placed in the trash bins provided. Recycle all your plastic, glass and paper products. All trash bins must be returned the house within 24 hours after it is picked up.
- Charcoal grilling on at deck is strictly prohibited; it is a fire hazard.
- Cigarette butts shall be properly disposed.

# PROPOSED ORDINANCE

ORDINANCE PROVISIONS	MCVRC COMMENTS
<p><b>&lt;Section ##&gt; Monterey County Vacation Rental Regulations</b></p> <p><b>1. Findings And Objectives</b></p> <p>a) Vacation rentals of residential properties in Monterey County provide important economic and other benefits to the community at large. Vacation rentals support the local economy, provide county government with an important source of revenue, benefit visitors to the County, and allow Monterey County property owners to choose how they can best utilize their residential properties to achieve their individual and family objectives.</p> <p>b) Notwithstanding the substantial community benefits associated with vacation rentals of residential properties, neighborhood and other impacts can sometimes occur in connection with vacation rentals, just as such neighborhood and other impacts can occur in connection with other residential uses. These impacts may include noise and neighborhood disturbance, and traffic and parking problems, and it is imperative that a strong system of effective regulation be established, to ensure that any potentially negative impacts of vacation rentals of residential properties are eliminated, or mitigated to the greatest degree possible.</p> <p>c) It is the purpose and objective of this Section to permit and encourage vacation rentals of residential properties in Monterey County under the comprehensive and effective system of regulation established herein.</p>	<p>We believe that the County should place the provisions of this ordinance in both Title 20 and Title 21 of the County Code, thus establishing a single regulatory and administrative system for vacation rentals of residential properties, and making sure that the provisions of the ordinance are effective in all parts of the County.</p> <p>We think it is important for the County's ordinance to reference both the positive and potentially negative impacts of vacation rentals of residential properties. It is true, of course, that the kind of problems that can sometimes occur with vacation rentals may also occur with non vacation rental uses of residential properties. We hope that the Board of Supervisors agrees that the County's objective in this area should be to establish an effective system of regulation</p>

## 2. Definitions

- a) "Vacation rentals" and "vacation rentals of residential properties" means any rental of a residential dwelling, for remuneration, anywhere in Monterey County, and in whatever zoning district such dwelling may be located, when such rental is for a period of less than thirty (30) days at a time.
  
- b) "Remuneration" means compensation, money, or rent given in return for occupancy, possession, or use of real property located anywhere in Monterey County.

## 3. Prohibition

The transient use of any residential property for remuneration, including the vacation rental of any residential property, anywhere in Monterey County, is hereby prohibited, unless a permit authorizing the vacation rental of such property has been obtained pursuant to this Section.

## 4. Permission

Vacation rentals are allowed in all zone districts that allow residential use, if a permit authorizing the vacation rental has been obtained pursuant to this ordinance.

## 5. Permit Requirements And Procedures

- a) A vacation rental permit and transient occupancy tax registration are required for each residential vacation rental. Such a vacation rental permit shall be issued by the Planning Department on an administrative basis, without the need for a public hearing, to a property owner who has applied for a vacation rental

so that the County can be confident that it can eliminate potential negative impacts while realizing all the extremely positive benefits associated with vacation rentals of residential properties in Monterey County.

We believe that the rule should be that no vacation rental use should take place without a permit that includes the neighborhood and community protections spelled out in this ordinance. The County should make its permit and zoning requirements clear. The current system has the County taking the position that vacation rentals in the Coastal Zone are prohibited, because they are not

permit pursuant to this Section, and who fully meets all the requirements specified in this Section.

b) Applicants for a permit for a vacation rental shall provide the following to the Planning Department:

I. Completed application form which requires the following information:

1. Street Address of Vacation Rental Property.
2. Property Owner's Name.
3. Property Owner's Place of Residence.
4. Property Owner's Mailing Address.
5. Property Owner's Telephone Number.
6. Property Owner's Business Name (If Any).
7. Owner's Representative's Contact Information.
8. Number of Bedrooms.
9. Number of Off-Street Parking Places.
10. Number of On-Street Parking Places.
11. A signed Health and Fire Safety Inspection Affidavit that provides a certification by the applicant that all smoke alarms are properly installed and operable and that the residence is provide with a 2-A-10-BC fire extinguisher, and that applicant understands and agrees that it is applicant's responsibility to ensure that the smoke detectors are operable at all times, and that they will be inspected, and repaired or replaced, on an annual basis, and when any defect is brought to the attention of the applicant or property owner.
12. A signed Certification Stating:
  - All application information is true and correct.
  - Applicant will notify the County of Monterey of any material change in the information provided in the application and/or any change of ownership of the property within fourteen (14) days of such change.
  - That applicant has received a copy of County Code Section XXX, governing vacation rentals in Monterey County and understands and agrees to the requirements imposed thereby.
  - That applicant agrees to pay the transient occupancy tax set forth in Chapter 5.40 of the Monterey

specifically permitted. Not only is this legally questionable, it is simply unfair. Clear, certain rules are needed that will apply equally. This proposed ordinance will provide them.

We believe that the ordinance should make very clear that while vacation rentals are prohibited without a permit, they are definitely allowed when a permit is, in fact, obtained pursuant to the procedures spelled out in this ordinance, incorporating all of the stringent standards that we suggest should apply.

The permit requirement and procedural provisions in subsection 5(b) are largely based on the ordinance adopted in the City of Pacific Grove. Some provisions are modeled on the ordinance adopted in Santa Cruz County, which has been approved by the Coastal Commission. The vacation rental procedures in both of these jurisdictions are working exceptionally well.

County Code.

- II. Proof of property ownership.
  
- III. Nonrefundable application fee as established by the Board of Supervisors, but that fee being no greater than necessary to defray the direct staff costs incurred by the County in administering the permit application process.
  
- IV. Plans, which do not need to be drawn by a professional, but which accurately describe the property, and which include all of the following:
  - Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces, meeting the requirements of this ordinance.
  
  - Identification and location of available on-street parking spaces adjacent to the property.
  
  - Floor plan showing all rooms, with each room labeled as to room type.
  
- V. Copy of a County of Monterey transient occupancy registration certificate for the purpose of the operation of a vacation rental.
  
- VI. A written and signed agreement by the property owner, agreeing to engage in dispute resolution, and to act in good faith to resolve disputes with neighbors arising from the use of the dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Mandell Gisnet Center for Conflict Management, located at the Monterey College of Law.
  
- VII. Copy of a rental/lease agreement for the property; that rental/lease agreement shall include a description of all of the restrictions imposed on the vacation rental pursuant to this ordinance, and shall also include a property specific guest code of conduct.

c) Each vacation rental permit shall run with the land in perpetuity. Approval of a vacation rental permit does not legalize any nonpermitted use or structure. Vacation rental permits are subject to revocation, and the provisions of vacation rental permits may be enforced as provided for in Chapter 20.90 and Chapter 21.84.

d) Any person who, on the effective date of this ordinance, has obtained a permit for a short term rental or transient use of residential property for remuneration, pursuant to Section 21.64.280 of the Monterey County Code, shall not be required to apply for a permit under this Section of the County Code, but the holder of a permit issued pursuant to Section 2.64.280 of the County Code shall be deemed to have received a permit under this Section.

e) Each residential vacation rental owner shall meet the regulations and standards set forth in Chapter 5.40 of the Monterey County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

f) The following restrictions and requirements, which address possible negative impacts associated with vacation rentals, shall be imposed as enforceable conditions, and shall be made a part of each and every vacation rental permit:

I. A maximum number of guests allowed as residents in the vacation rental shall be specified in the permit. That maximum number shall not exceed two people per bedroom, plus two additional people.

II. A restriction prohibiting celebrations and gatherings in the vacation rental shall be specified in the permit, except that celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall be permitted when the maximum number of people participating in any such celebration or gathering is no more than twice the maximum number of guests allowed. Children under 12 shall not be counted toward the maximums.

Because of the community benefits of vacation rentals (when properly regulated, of course), the application fees charged should be at a level that will permit interested owners actually to obtain a permit, and should not be artificially inflated to act as an indirect discouragement.

- III. A maximum number of vehicles allowed shall be specified in the permit. That maximum number shall not exceed the number of existing on-site parking spaces, plus two additional on-street parking spaces, if such parking spaces have been identified and located in the materials submitted as part of the plans required by this ordinance.
- IV. A prohibition of illegal behavior and disturbances, and a prohibition of any noise that exceeds the standards specified in the Monterey County Code, shall be specified in the permit.
- V. Trash management requirements shall be specified in the permit (e.g., trash to be kept in covered containers only).
- VI. The designation of a local contact person shall be required, and shall be specified in the permit. All vacation rentals shall designate a contact person within a 30-mile radius of the vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A property owner who lives within a 30-mile radius of the vacation rental may designate himself or herself as the local contact person.
- VII. The name, address, and telephone number(s) and the email address of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main County Sheriff's Office, and the local fire agency, and supplied to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.
- VIII. All vacation rentals must post rules inside the vacation rental in a location readily visible to all guests, and this requirement shall be specified

in the permit. The rules shall include, but shall not necessarily be limited to, a list of each and every condition and restriction contained in the permit. In addition, copy of the rental/lease agreement for the property shall be furnished to every person renting the property as a vacation rental.

The MCVRC strongly supports vacation rentals, but we also know that it is imperative that there be strong standards and protections in place to make sure that vacation rentals don't have adverse impacts on the natural resources and wonderful neighborhoods of Monterey County. The restrictions spelled out here provide that protection.

Parking can be a problem in residential areas where there is little on-street parking. If that kind of on-street parking doesn't exist, we are saying that the permit must restrict the number of vehicles to the number of parking spaces found on the property itself.

This "on call" system will eliminate virtually all problems that cause concern. If and when there is a problem, there will be someone on the spot to deal with it, and neighbors, law enforcement, and other governmental agencies will have the information available.

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Thursday, November 30, 2017 8:39 AM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** FW: short term rental ordinance comments (correctly dated - replaces prior email)  
**Attachments:** Gisele Goetz.vcf

**From:** Gisele Goetz Erlach [mailto:GiseleGoetz@aol.com]  
**Sent:** Tuesday, November 28, 2017 4:58 PM  
**To:** 194-RMAComments <RMAComments@co.monterey.ca.us>  
**Cc:** Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>  
**Subject:** short term rental ordinance comments (correctly dated - replaces prior email)

November 28, 2017 (sorry prior email was incorrectly dated September28, 2017)

To: Members of the Monterey Planning Commission:

We are owners of a Big Sur property that we like to rent out for other people to enjoy when we cannot be there. Our property is pretty remote and is several acres. We have caretakers who are residents of Big Sur who live on site in exchange for watching out for the place for us. We have the following thoughts about the short term rental ordinance that is proposed.

First, we think Big Sur is different from Monterey and should be treated differently in deciding what short term rentals to allow, and what the requirements should be in what is primarily a tourist and vacation destination that is quite remote and has few amenities. Properties in Big Sur are often older, spread out, and without services of any kind, other than some phone. Many areas have no trash hauler, no water provider, no electricity and use propane and septic. We think those things should be considered when creating a short term rental ordinance for this coastal area. That said, we have some specific comments about the ordinance:

1. We have a hard time understanding what credible reason there is for allowing more short term rentals for owners who live on their property and fewer short term rentals for everyone else, even where there is a caretaker on site. The distinction does not seem reasonably related to the problems the ordinance is trying to address.
2. We have a similar concern about the two types of permits required. What difference does it make if the owner lives in Big Sur full time? Our house has four owners, none of whom live in Big Sur (although two live in Monterey County). We do visit as often as possible. We have a caretaker on site who would not be able to afford to work in Big Sur or live there without trading services for accommodations. I guess we are a commercial venture under your definition, but really we want to be able to have an affordable vacation house and potential retirement spot. The only way to do that is to rent it out when the four of us are not using it.
3. We agree with the comments that you have already received concerning the lack of a reasonable basis for the distinctions that are being made between onsite owners and situations where caretakers live on site and for the different permitting requirements. The distinctions do not seem reasonably related to the purpose of the ordinance.
4. Many places in Big Sur do not have the amenities (like trash service or water providers). Many places have solar, septic and rely on a well or stream for water. There should be some work around for areas that do not have access to services. Saying there is no work around for trash when there is no trash hauler seems unreasonable.
5. We provide potable water for drinking because our water comes from a spring. Everyone who lives here or visits here drinks spring water. As long as potable water is available, the testing and other requirements don't seem to reasonably relate to the purpose of the ordinance.

6. It seems like impediments are being placed, particularly for owners who don't live on the property, to prevent Short term rentals. There are very few places to stay in Big Sur once the camp sites run out and you see a lot of people camping by the side of the road which is really dangerous. Many people who are able to live here, can do so only because of tourism. We need more places for people to stay, not fewer on the coast.

Thank you for considering these comments on your proposed ordinance.

Sincerely,

Gisele Erlach (also on behalf of Dave Erlach, Jan Doelman and Nicole Chupka)

**Gisele Goetz**

Attorney/Mediator

(805) 895-5938

Giselegoetz@aol.com

982 Cheltenham Road  
Santa Barbara, CA 93105

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Thursday, November 30, 2017 8:40 AM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** FW: comments on str in Big Sur  
**Attachments:** str 1128.17.docx

-----Original Message-----

**From:** Steve [mailto:stevebeck2@gmail.com]  
**Sent:** Tuesday, November 28, 2017 8:13 PM  
**To:** Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>  
**Subject:** comments on str in Big Sur

hi melanie,  
please include my comments for the 11/29/17 planning commission meeting.  
thanks,  
steve

steve

## Comments on STR's in Big Sur

Three-quarters of the land in Big Sur is public land, set aside for the visitor. The businesses are focused on the visitor; motels, restaurants, campgrounds, a riding stable, a deli. Every year, in all seasons, visitors arrive by the millions. During the busiest times the road and restaurants are packed. The people that run the businesses and those that work in them to cook the food, make the beds, and clean up after the visitors are grateful to live in such a beautiful place. People live well as people in sparsely populated rural areas generally do. The quiet, the birds and wildlife and redwoods make up for the lack of a decent internet connection and a grocery store. They live in small neighborhoods in the Santa Lucia mountains named Gorda Mountain, and Clear Ridge, and Long Ridge, and Apple Pie Ridge and the Big Sur valley. They tend to know their neighbors but then they tend to know, or know of, a large share of the people who live in Big Sur because although it stretches over 70 miles, the total population is measured in hundreds. Home to the neighborhood is where people go after work.

They tend to live in houses that by more urban standards would be considered small. Finding an 850 square foot caretakers house is considered hitting the jackpot for a family of four and a renovated chicken coop or out building is prized by the single person. Those that can find a stable, affordable place to live are the lucky ones. Always, anyone can name a half dozen people looking for a place to live. The teachers at the elementary school, the guy who hauls trash, the maintenance man, and the restaurant manager, people who have lived in Big Sur for decades but through fate or inability to pay high rents and have lost their housing, are forced to move to the Peninsula cities, and beyond, and commute hours per day.

Big Sur has a housing crisis. Most of the private land is zoned as minimum 40 acre parcels, subdivision is not an option. Most of the land is too steep to build on and the cost of building in such a rural place is prohibitive even if a sympathetic owner has the space to add rental housing. More often than not the businesses attempt to house their employees but generally they manage only to house a fraction.

The housing crisis in Big Sur has been exacerbated in its recent history by three factors. The first is homes that have been bought by absentee owners that prefer having no one living on their land. The second is the expansion of visitors that has increased the need and numbers of those that serve travelers. The third is the advent of short-term rentals. The short-term rentals have a dual effect. Housing that was once available for the community becomes the more lucrative housing for visitors. The second effect is for the short term rental house cleaners, landscapers and rental managers who become another group that needs to find local housing or commute and add to the overburdened highway.

Some of the problems for Big Sur are difficult and intractable. Some of the solutions are easy. One simple solution is to continue to disallow short term rentals in Big Sur. Please don't turn our neighborhoods into commercial areas.

Thank you,

Steve Beck,

Big Sur resident

11-29-2017

Monterey County Planning Commission  
via email attachment to "McDougal, Melissa x5146" [McDougalM@co.monterey.ca.us](mailto:McDougalM@co.monterey.ca.us), "Holm, Carl P. x5103" [HolmCP@co.monterey.ca.us](mailto:HolmCP@co.monterey.ca.us)

**Re: Agenda Item No. 2 – REF100042/REF130043 – Short Term Rental, 11-29-2017**

Dear Members of the Monterey County Planning Commission:

Please include these comments in the record of the Commission's hearing today on short term rentals (STRs).

The points I make in this letter are the same points I made repeatedly for years at short term rental workshops organized by Planning Department staffer John Ford. I have yet to see these points included in a staff report on STRs.

The Big Sur and South Coast Land Use Advisory Committees have written draft language for the Big Sur Coast Land Use Plan intended to address the points I make in this letter. However, though submitted to the county over a year ago, that draft language has not yet been addressed by planning staff.

The concern is, if short term rentals are made legal in visitor destination areas like Big Sur, investment groups and commercial banks, like those that drove the purchase and securitization of millions of mortgages that lead to the predatory lending financial collapse, can similarly drive purchase and securitization of homes for short term rental, effectively funding the purchase and conversion to STR every residence that comes up for sale in such areas.

It is important to understand that the securitization process can make essentially unlimited money available to purchase homes for this purpose, as investors like pension funds and mutual funds become convinced that return on investment may be higher than other areas where money can be invested.

A 2014 article describes how investment groups like Blackstone Group are already acquiring thousands of homes that are *rented long term*, bundling them into investment vehicles, registering the investment vehicles with the Securities and Exchange Commission, and selling shares in them to investors, saying,<sup>1</sup>

"In just the last two years, large investors have bought as many as 200,000 single-family houses and are now renting them out, according to the K.B.W. report.

The private equity giant Blackstone Group sold the first single-family rental securitization of its kind last fall, a \$479 million bond, attracting six times as

---

<sup>1</sup> [https://dealbook.nytimes.com/2014/01/29/wall-streets-new-housing-bonanza/?\\_r=0](https://dealbook.nytimes.com/2014/01/29/wall-streets-new-housing-bonanza/?_r=0)

many investors as the private equity firm could accept, a person involved in the deal said.

Investors like mutual funds and insurance companies bought slices of the bond, which are backed by the rental homes owned by Blackstone's company, Invitation Homes."

Attached to this comment letter is a Penn State University paper that explains how the *long term rental* securitization process works.

Important is that the long term rental securitization model depends upon ultimate sale of homes after prices have risen to maximize the return on investment.

However, given that short term rentals are substantially more profitable than long term rentals it appears that a short term rental securitization model may not require that homes ever be sold to provide enough return on investment to compete for investment dollars in the marketplace. In other words, homes could be purchased and securitized for short term rental investment purposes and retained for that use indefinitely.

The solution the Big Sur and South Coast Land Use Advisory Committees decided on was to limit the number of homes any entity can own and rent short term, I believe to one home, provided certain conditions are met.

That solution accommodates mom and pop who are renting a room in their home or a second unit short term in order to be able to pay their mortgage or otherwise meet their expenses, but would preclude commercial scale conversion of residences to short term rentals.

A decision to allow short term rentals in any given area would likely be a one way ratchet that would lock the county into its decision.

Once made legal, and once homes are acquired for rental short term with investment backed expectations based on the legal use, it appears the county would be liable for a taking should it decide later it made a mistake and want to make short term rentals illegal again in the area in the future.

Whatever the county decides to do with short term rentals in other areas that are not visitor destination areas, **it should leave the decision on whether short term rentals will be allowed in Big Sur until hearings are held on updates to the Big Sur Coast Land Use Plan.**

Respectfully submitted,

Michael Caplin  
38751 Palo Colorado Road  
Carmel, CA 93923

Melanie Beretti, Special Programs Manager  
Monterey County Resource Management Agency  
1441 Schilling Place, 2nd Floor South, Salinas CA, 93901

November 26, 2017

Re: REF100042/REF130043 - SHORT-TERM RENTAL ORDINANCES

Dear Ms. Beretti,

I am a life-long resident of Big Sur, and I urge the Planning Commission to **exclude** the Big Sur Coast Land Use Planning Area from the proposed regulations for short-term rentals in residential areas.

The current Local Coastal Plan for the Big Sur area was carefully written to protect the coast's pocket communities and the area's special visual qualities that tourists prize. Wisely, the LCP forbids short-term rentals and puts an upper limit on the numbers of transient occupancy rooms. The coast's visitor amenities – its natural sites, its restaurants and businesses, and the highway itself – are limited in size, in parking capacity, in overall carrying capacity. The LCP tried to strike a healthy balance between allowing public access to this spectacular area while maintaining the residential communities that underpin and service the tourist trade – the folks who staff the restaurants and hotels, the local volunteer firefighters (the first responders to most vehicular accidents along the coast), and the community members who on a daily basis care for the land, pick up trash on the highway, spot problems and call in the responsible agencies to help, and so much more... the lifeblood of the coast. The LCP also recognized that there is a limited capacity to scenic, two-lane Highway One.

Short term rentals threaten both the carrying capacity of Highway One and the remaining affordable housing on the coast. If STRs are allowed, it will entice outside (corporate) investment in homes for the purpose of converting coastal residences to STRs, driving out the folks who currently live here. Tourists staying in these homes will generate more highway traffic than the current, working occupants who generally travel just to and from work, while a tourist travels up and down the highway visiting many sites. Also, workers will be forced to travel to Big Sur to service the restaurants and motels, increasing highway congestion. Further, STRs themselves will require new worker services (maids, gardeners), meaning there will be new, additional workers traveling Highway One to Big Sur. The highway is already beyond comfortable (and safe) capacity, as I'm sure you are well aware!!

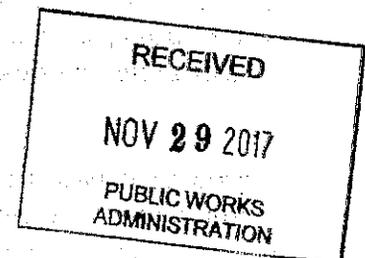
STRs are bad for the Big Sur coast. Current hotel/motel rooms are sufficient, and otherwise the coast is available – as it should be – to the passers-by on the highway, folks enjoying the tour down the coast as they do the 17 Mile Drive in Pebble Beach.

Thank you for considering my comments.

Sincerely,



Heidi Hopkins  
50218 Partington Ridge  
Big Sur, CA 93920



# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



---

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor  
Salinas, California 93901-4527

(831)755-4800

[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

## MEMORANDUM

**Date:** November 21, 2017

**To:** Planning Commission

**From:** Melanie Beretti, Special Programs Manager

**Subject:** Short-Term Rental Regulation Development for the Big Sur Coast Land Use  
Planning Area – Planning Commission Workshop Planned for January 10, 2017

**cc:** Carl P. Holm, AICP, Director  
John Dugan, Deputy Director-Land Use and Community Development  
Jacqueline Onciano, Chief of Planning

---

### *EXECUTIVE SUMMARY*

The public notice and staff report for the November 29, 2017 Planning Commission hearing for Short-Term Rentals (STRs) included a discussion and action item to provide direction whether to include the Big Sur Coast Land Use Planning Area in the proposed regulations for short-term rentals. This memo is to provide clarification that this item is not going to be discussed at the November 29, 2017 hearing; Instead a Planning Commission Workshop is scheduled for January 10, 2018 to discuss the development of regulations for STRs in the Big Sur Coast Land Use Planning Area.

Since the spring 2017 the Resource Management Agency has had the draft Big Sur Coast Land Use Plan (BSCLUP) proposed updates, yet circumstances have changed resulting in the BSCLUP being on hold for the foreseeable future. It is not intended for Big Sur to simply fold into the current STR ordinance development process that has been on-going since May 2017. At the January 10, 2018 Planning Commission Workshop staff will seek public and Planning Commission input to identify a prudent, efficient process and framework for the development of regulations for STRs in Big Sur.

### *DISCUSSION*

#### *Background*

At the May 10, 2017 Planning Commission hearing regarding regulations for Short-Term Rentals, in response winter storm damage to and restricted access along Highway 1 south of the Pfeiffer Canyon Bridge, the Commission considered how whether or not to exclude the Big Sur Coast Land Use Planning Area from the Short-Term Rental Ordinance development process until reasonable access had been restored. The Commission voted to remove the Big Sur Coast planning area from the STR ordinance development process, and further voted that the development of regulations of STRs in the Big Sur Coast planning area would take place through the Big Sur Coast Land Use Plan (BSCLUP)

update process, as soon as possible, after reasonable access has been restored. At that time the Land Use Advisory Committee (LUAC) had developed and provided to Resource Management Agency (RMA) staff <sup>to</sup> draft edits to the BSCLUP. ✓

*Current Status*

On October 13, 2017, the Pfeiffer Canyon Bridge opened to the public, reconnecting the Big Sur community to the south with the north. The Big Sur community continues to recover from the 2016 Soberanes Fire and subsequent winter storm damage, <sup>however</sup> ~~yet~~ with the reopening of the bridge, ~~by far~~ the most significant limitation for Big Sur community members to participate in discussions related to short-term rental regulations has been eliminated.

Since May, the BSCLUP has been on hold and circumstances have changed resulting in the BSCLUP being on hold for the foreseeable future. RMA Planning has seven (7) vacant positions: Planning Services Manager; Supervising Planner; Senior Planner; and three (3) Associate Planners. A second Senior Planner position is anticipated to be vacant due to retirement in December 2018. At the Planning Commission and Land Use Advisory Committees Joint Annual Meeting on October 25, 2017, this topic was discussed. The BSCLUP update is part of the Long-Range Planning Workplan and was identified as a priority task in 2016, but it was not identified as one of the top priority projects adopted by the Board of Supervisors for 2017. Given the nature and complexity of the LUP development process in Big Sur, and the importance of the lead <sup>planner</sup> having knowledge of Big Sur and the planning history, the LUP can only adequately be advanced by the Chief of Planning or RMA Director. Staff has evaluated the staffing, workload and priorities for Long-Range Planning, and there are no alternatives in the short-term (e.g. hiring consultants) that will free up the Chief or Director's time to work on the BSCLUP. As such, until key planning staff vacancies can be filled and new staff trained the BSCLUP is not able to move forward and will likely be on hold for at least six (6) to twelve (12) months.

*Next Steps*

Now that access is restored for the Big Sur coast via the Pfeiffer Canyon Bridge, <sup>and</sup> ~~yet~~ the BSCLUP update process is on hold for the foreseeable future, staff desires input from the Big Sur community and direction from the Planning Commission <sup>on</sup> how it wishes to advance the discussion of STR regulations in the Big Sur Coast planning area.

One alternative would be to postpone discussion of STRs in Big Sur indefinitely until the BSCLUP can move forward. This alternative will significantly delay the development of STR regulations for Big Sur compared to the rest of the County, and will leave the community vulnerable to on-going tensions regarding this contentious issue.

Another approach would be to develop STR regulations in Title 20 for the Big Sur Coast Land Use Planning Area, allowing the discussion of STRs in Big Sur to proceed outside the land use plan update process. As part of the ordinance development process any STR regulations for Big Sur would need to be consistent with an adopted BSCLUP, which could be achieved by either: 1) being consistent with the 1982 Big Sur Coast Land Use Plan; or 2) resulting in an amendment to the 1982 BSCLUP to ensure consistency.

Possible paths to advance STR regulations for Big Sur outside the BSCLUP update process include, but are not limited to:

- Begin the short-term rental ordinance development process over, starting at the point where Big Sur was pulled out of the ordinance on May 10, 2017

- This alternative will delay the development of STR regulations for the unincorporated areas of the County and result in a step backward for the areas outside Big Sur
- Begin the short-term rental ordinance development process over for the Coastal Zone, starting at the point where Big Sur was pulled out of the ordinance on May 1, 2017
  - This alternative will delay the development of STR regulations for the unincorporated areas in the Coastal Zone and result in a step backward for the coastal areas outside Big Sur
- Separately develop the regulations for STRs in Big Sur
  - This alternative allows the ordinance development process to continue everywhere except Big Sur, while allowing Big Sur to begin the conversation of STRs. Depending on the outcome of the Big Sur regulatory discussions, the Big Sur regulations may be a separate and independent policy in Title 20 or may be able to be integrated into the STR policy in Title 20 with the other Coastal planning areas.

Once the BSCLUP update process begins again, should that process yield an adopted BSCLUP with regulations for STRs that differ from an adopted STR ordinance for Big Sur, the STR ordinance could then be amended to align with the updated BSCLUP.

November 29, 2017

Monterey County Planning Commission  
168 West Alisal Street – 1<sup>st</sup> Floor – Salinas, CA 93901

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.:	STR, #2
DATE RECEIVED:	
SUBMITTED BY/VIA:	Public
DISTRIBUTION TO/DATE:	PC, 11/29
PRINTING:	11/29

**Re: REF100042/REF130043 – SHORT TERM RENTAL ORDINANCES**

Dear members of the Monterey County Planning Commission,

On behalf of the Big Sur Local Coastal Plan Defense Committee, I wish to express support for the staff recommendation that discussion of regulations for STRs in the Big Sur Coast Land Use Planning Area be continued from today to a Planning Commission Workshop on January 10, 2018.

This continuation is necessary to ensure that the Big Sur community has the ability to fully participate in the public process of discussing consideration of an ordinance regulating STRs in the Big Sur Coast Land Use Planning Area.

I would also like to draw attention to County staff's memorandum of November 27, 2017, making this recommendation, in regard to the apparent presumption by staff that there will be some kind of additional STR Ordinance regulation in the Big Sur Coast Land Use Planning Area and the absence of any reference in the Staff Report for today's meeting of the Big Sur Local Coastal Plan Defense Committee's Issue Paper which provided an analysis of the Big Sur Land Use Plan and concluded that Short Term Rental activity was neither permitted nor consistent with its goals.

In contrast, the Staff Report and its Exhibit E provide references, recommendations, and information submitted by other parties, including proponents of Short Term Rentals, such as the Monterey County Vacation Rental Alliance.

Over two years ago, when our group met with then 5<sup>th</sup> District Supervisor Dave Potter to discuss our concerns about short term rentals not being consistent with the Big Sur Coast Land Use Plan, he informed us that there was no existing analysis of the Land Use Plan in regard to short term rental activities and that Monterey County planning staff did not have resources available to conduct such an analysis.

We agreed to take upon ourselves the task of developing this analysis and met with staff to present and discuss our findings and conclusions. To date, we have not received a formal response from staff to this analysis.

On the other hand, every living former 5<sup>th</sup> District Supervisor who held that office during the development and implementation of the Big Sur Coast Land Use Plan has gone on record stating that they do not believe short term rentals are appropriate or consistent in the Big Sur Land Use Planning Area. Further, those former supervisors, Sam Farr, Karin Strasser Kauffman, and Dave Potter are all members of the Big Sur Local Coastal Plan Defense Committee which I am representing before you today.

Thank you for your engagement and dedication to addressing these critical land use issues.

Sincerely,

Kirk Gafill  
48460 Highway 1 – Big Sur, CA 93920

**Project File No. REF120043 & REF100042**

**Almost** 3 years ago I was asked to participate in the 2015-2016 workshop group to help develop a short-term rental ordinance for Monterey County. I was happy to assist knowing that most of the public did not understand what devastating effects commercial STRs would have in their neighborhoods.

From the beginning, I had let the working group know that our Big Sur LUP/LCP did not allow STRs in the Big Sur Land Use Plan Area, and that I was only participating in the workshop to help develop an ordinance for other areas of the unincorporated county if and where they might be allowed.

Continuously educating myself on the issues of STRs the 3 years prior to this group workshop I thought I could help with the development of a fair ordinance.

But as more years have past, I have finally come to realize that there is NO fairness in a ordinance that will give some property owners more rights than the rights of the property owner that lives next door.

**With** our area having lost 91 homes and accessory dwellings to fires within the past 10 years, the Big Sur Land Use Planning Area should not be included in any proposed regulations for short-term rentals. The need for our original prohibition has only increased with time. Our private narrow roads in neighborhoods that provide all of their essential services, such as water systems, road maintenance and fire clearance. To our all volunteer community services that provide health, safety and fire protection, not just for the community, but for visitors too. The use of our homes and accessory dwellings housing community members who own business's, and for employees that either work in special trades or in the ever growing recreational industry must be protected for the well being of our community, the business's and the visiting public.

Janet Hardisty - Big Sur

## More Thoughts....

**Phones** - All STRs, Homestays too must have a land line with address & any identifying factor listed along side, such as 3rd drive on left a 1/4 mile up the road (to many areas of the unincorporated county have NO cell service), and if an emergency arises.....

**Homestays** - If any STR host fails to be issued a STR license because STRs will not be allowed in any guesthouse or ADUs, they should not be able to apply for a Homestay license as more then likely the host will end up STRing out the ADU, rather then renting out a bedroom in his home. Not all Homestays are on county streets and roads.

**Deadbolts & Locks** - A STR should have a deadbolt for all external doors. A Homestay should have locks on bedroom and bathroom doors.

Thank you for listening....

**Nickerson, Jacquelyn x5240**

---

**From:** Alan Perlmutter <sandperl28@gmail.com>  
**Sent:** Monday, November 27, 2017 8:46 AM  
**To:** 194-RMAComments  
**Subject:** Monterey County Planning Commission Public Hearing – November 29, 2017 Short Term Rentals – Big Sur Coast Land Use Planning Area

**From:** Alan Perlmutter

**Mailing Address:** P O Box 460

**Big Sur CA 93920**

**9253 Sycamore Canyon Road**

**EmailAddress:** [sandperl28@gmail.com](mailto:sandperl28@gmail.com)

**Big Sur CA 93920**

**TO: Melanie Beretti, Special Programs Manager**  
**Monterey County Resource Management Agency**

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	CE100042/CE130043 #2
DATE RECEIVED	11/27/17
SUBMITTED BY VIA	Public email
DISTRIBUTION TO/DATE	PC / 11/28
DATE OF HEARING	11/29/17

**RE: Monterey County Planning Commission Public Hearing – November 29, 2017**  
**Short Term Rentals – Big Sur Coast Land Use Planning Area**

I am a resident of Big Sur for 40 years. My family and I own and operate the Big Sur River Inn.

I strongly oppose the allowance of Short Term Rentals in the Big Sur Coast Land Use Planning Area and urge the Planning Commission to prohibit their allowance for the following reasons:

1. The Big Sur Land Use Plan, when adopted by the California Coastal Commission, specifically included the development of over 500 campsites specifically for the availability of lower cost tourist accommodations. Retired Congressman Sam Farr, who actively participated in the development of the Land Use Plan testified to that fact before this Commission in November 2016,
2. The California Coastal Commission has contended that Short Term Rentals provide opportunities for lower income tourists. That is a false premise. The properties that are being rented for short term in Big Sur range into the hundreds and thousands of dollars for a night's stay. Advertisements by VRBO, Airbnb, and other rental websites confirm this. These can hardly be described as being made available for the lower income tourist.
3. I also participated in the development of the plan and unequivocally agree with Congressman Farr's statements.

4. The Land Use Plan specifically prohibits commercial development in areas other than those designated for "Visitor Serving." Private residential properties are not zoned for Visitor Serving. The very fact that the County collects Transit Occupancy Taxes from Short Term Renters makes it clear that the Short Term Rental is a Commercial Use.

5. Ninety five percent of the housing stock in Big Sur is on narrow winding roads, many of them graveled and rutted and well off Highway 1. Drivers unfamiliar with these rugged conditions seeking their short term rental have gotten lost, driven off the roads, disturbed neighbors and have presented an added danger to the community in the event of sudden unanticipated emergencies.

6. Many of the short term rentals are owned and operated by absentee owners. Some have been purchased exclusively for the financial rewards of their operation. Development of this sort is not in the spirit of the Land Use Plan's mission or objectives.

I urge the Commissioners to prohibit Short Term Rentals in the Big Sur Coast Planning Area. Thank you for your careful consideration,

Alan Perlmutter

## Nickerson, Jacquelyn x5240

---

**From:** John Willsen <jwccarmel@gmail.com>  
**Sent:** Monday, November 27, 2017 3:24 PM  
**To:** 194-RMAComments

Melanie

I am against Short Term Rentals in the Carmel Highlands /Big Sur area. These "sensitive" areas , along with other parts of Monterey County are protected with low density residential zoning.

Allowing short term rentals in these areas would violate the Zoning law and create commercial use. This would be a negative impact on the environment in such a close sensitive habitat such as Point Lobos, Gibson Creek & the Big Sur area.

I also have a concern as to the "LEGAL" liability ( class action law suits) that approving STRS could create for Monterey County Tax Payers. I would urge County to look at the "Risks" they are subjecting Tax Payers to by ignoring the American Disability Act . I am including an article that covers these points, along with the link .

Thank you ,

John Willsen

Carmel Highlands ,CA

<http://fortune.com/2016/06/23/airbnb-discrimination-laws>

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.:	<u>REF 10042/20170045 #2</u>
DATE RECEIVED:	<u>11/27/17</u>
SUBMITTED BY/VIA:	<u>Public / email</u>
DISTRIBUTION TO/DATE:	<u>PC / 11/28</u>
DATE OF HEARING:	<u>11/29/17</u>

## Airbnb and Discrimination: Why It's All So Confusing

&lt;div class="inner-container"&gt; &lt;img src="https://fortunedotcom.files.wordpress.com/2016/05/gettyimages-525904988.jpg" alt=""&gt; &lt;/div&gt;



Photograph by John MacDougall — AFP/Getty Images

By [Jeremy Quittner](#)

June 23, 2016

Airbnb has a discrimination problem on its hands. Last month, in an ugly, racist exchange, an [Airbnb host in North Carolina](#) said he canceled a guest's booking because she was black. Another customer hit the company with a [lawsuit](#), claiming he was rejected for a booking in 2015 when a host saw that he was black, and then accepted by that same host when he made a fake profile as a white person. And those are just the recent instances. Online, stories of discrimination have crept up across social media, many under the hashtag #AirbnbWhileBlack.

Although the peer-to-peer home rental company has swung into action, forcefully denouncing the racism of the North Carolina host, booting him from the service and promising reforms in the way its host businesses operate, the incident exposes the gray zones in the rules that guide the gig economy. If you're renting out a room in your apartment, are you legally obliged to abide by the same anti-discrimination rules that businesses must observe?

In its anti-discrimination policy, Airbnb demands that all users "comply with local laws and regulations" including federal anti-discrimination laws. However, there's a reason many of these users might not be held accountable: An old set of exemptions, meant primarily to protect small rooming houses, means anti-discrimination laws don't necessarily apply when someone is renting five rooms or fewer in their own home, or when owners are renting out apartments in dwellings they occupy with four units or fewer.

The gig economy has transformed many traditional business sectors, forcing regulators to play catch-up. Such businesses are typified not only by Airbnb, but all other lodging share companies, ridesharing companies including Uber and Lyft, and a broader swath of businesses including the grocery delivery service Instacart, or freelance worker sites like TaskRabbit, where workers can be summoned simply by using an app. All of these sites rely on scores of independent contractors who are, in effect, sole proprietors running their own companies.

"As sharing economy businesses become a more important part of the economy, it is important to assure that all people can participate in it, regardless of race, or [inclusion in] other protected categories," says Joshua Rosenthal, an attorney with the NAACP Legal Defense and Educational Fund, in New York.

Nevertheless, it's still a matter of evolving case law, Rosenthal says, and the courts have yet to weigh in on how lodging share sites like Airbnb will ultimately be governed by the various non-discrimination laws.

Certainly the housing rental sector has its own set of rules. In fact, there are four federal laws that affect you if you offer your home or other property up to the public for short-term rentals. Most of them stem from the various civil rights acts that have been passed since the mid-19th century. But, as a host, your obligations don't stop there. You must also conform to the various state and local laws where you do business. In some cases, such as in California and Washington, D.C., those laws can be more strict than federal ones, legal experts say.

Here are the four federal laws that apply to you:

— **Title II of the Civil Rights of 1964** prohibits discrimination in any public accommodation based on race, color, religion or national origin. Examples of public accommodations are hotels, restaurants, bars, or movie theaters. This law casts a broad net to include all commerce, not just the business of housing.

— **Title VIII of the Civil Rights Act of 1968, or the Fair Housing Act (FHA)**. This prohibits discrimination in housing specifically, usually for longer-term rentals and sales. It casts a broader net than Title II, including in its protections not only for race, color, religion and national origin, but also for sex and family condition. Airbnb says loud and clear [on its website](#) that it adheres to Title VIII.

— **The Americans With Disabilities Act (ADA)** is similar to Title II. Passed in 1990, it extends protected status in employment, public transportation, and public accommodations to people with both mental and physical disabilities. Adherence to the law could entail creating special access ramps for people in wheelchairs or allowing seeing eye dogs, even if your housing policy forbids pets. Airbnb says it adheres to this law as well.

— **Sections 1981 and 1982**. These clauses from the Civil Rights Act of 1866 prohibit discrimination based on race, specifically with regard to making and enforcing contracts and relating to purchasing, selling, or leasing property. Generally speaking, these sections would apply to all peer-to-peer lodging transactions, legal experts say.

As with anything legal, there are exemptions and other fine points that can cause confusion. Here are some scenarios for share renters that will assist you in getting a clearer picture of how the various laws apply to you.

### ***Renting an apartment, or a room in your home or apartment***

*If you're renting an entire apartment, you'd be exempt from the Federal Housing Act (FHA) provided you are the owner living in a building with four units or less.*

*Similarly, if you're renting a room, the FHA also says you may choose whatever kind of roommate you want, provided you are also the owner living in a building with four units or less. The law says you may not advertise that you are looking for a roommate of a particular race or religion, for example, but some states allow you to specify a gender for shared living spaces.*

*You'd be exempt from Title II as well, as long as you're renting five rooms or less.*

*Still, some legal experts say it's best to conform fully with the anti-discrimination laws, regardless. "Americans don't want businesses to discriminate against anyone," says Robert Cooper, co-chair of the labor and employment practice of Buchalter Nemer, a law firm based in Los Angeles, California. He adds racist conduct obviously hurts business, which is why it's such a big concern for Airbnb. Also, some states, notably California, don't have carve-outs for number of rooms. So you have to know your local laws, too.*

*The Americans With Disabilities Act (ADA) is not likely to apply to renting out space in a private home or apartment. The ADA is likely to apply to large apartment buildings. The law has an exemption for owner-occupied lodgings with five rooms or fewer.*

***Renting out a vacation property or secondary home***

*Typically sales and rentals of a single-family home aren't covered by the FHA, provided the owner doesn't have more than three such homes at one time, and the sale isn't advertised or handled by an agent or broker. Yet legal experts say the FHA could apply here, because Airbnb is helping as an agent for a short term rental.*

*"If it's a separate property, such as a vacation rental, and you don't live in the property, the FHA covers you," says Tom Spiggle, founder of Spiggle Law Firm, which specializes in discrimination law, based in Arlington, Va.*

*The ADA is not likely to apply to this scenario if you're offering a private home. It would apply if you're offering a short-term rental in a large apartment dwelling, for example with more than five rooms for rent.*

***Airbnb's role***

*With these dos and don'ts in mind, it's also important to point out that Airbnb has been criticized by some legal experts for its mandatory arbitration clause, which all customers who want to use the service agree to, which prevents customers from seeking relief through court trials, or via class actions.*

*The arbitration clause — a tactic used by many businesses — seems to take the teeth out of Airbnb's claims about discrimination, some legal experts say, because it prevents Airbnb customers from taking effective legal action.*

*"You can really prove a pattern or practice of discrimination [through a class action] and show it is systemic," says Joanne Doroshov, executive director at the Center for Justice and Democracy at New York Law School. "It is hard to do that if it is just an individual."*

*The lawsuit filed by the Airbnb user who claims to have been discriminated against last year is seeking class-action status, meaning the court will have to determine whether the case can proceed.*

*For its part, Airbnb is taking action to further address discrimination, according to company spokesman Nick Papas, including access to training to eliminate unconscious bias for Airbnb hosts and employees, enhanced training for its customer service reps to alert them to potential discrimination, and the use of machine learning and other technology to enforce anti-discrimination policies.*

*Airbnb is also offering something called Instant Book, which 550,000 hosts globally currently use, Papas says, which allows its renters to offer rooms on demand without host approval. (Typically, customers make requests to rent rooms or other properties after creating profiles that include photos of themselves.)*

**McDougal, Melissa x5146**

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, November 27, 2017 10:06 AM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** Fw: [neighbors] Moving

STR Public Comment

**From:** Fred Philippi <fred.philippi@gmail.com>  
**Sent:** Sunday, November 26, 2017 1:30 PM  
**To:** Beretti, Melanie x5285; 100-District 5 (831) 647-7755  
**Subject:** Re: [neighbors] Moving

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	REF100042/REF130043 #2
DATE RECEIVED:	11/27/17
SUBMITTED BY/VIA:	Public / email
DISTRIBUTION TO/DATE:	PC, 11/27/17
DATE OF HEARING:	11/29/17

Janie,

Thank you for you kind note.

In response to your suggestion, I forwarded this email to Melanie Beretti and Mary Adams, and filled out the form on the bigsurlcp site, expressing my support for STRs under regulated conditions and repeating my message here in the comments section there.

I apologize for the curmudgeon in me who, in the past, has sometimes felt permission to come out -- he felt that permission under the Trump aegis!

I have bought a house in northern California with 60-miles views to Mt. Shasta from a ridge location of more than 3,000 feet. Architectural design is my passion. In view of the fact that I have tapped out my limited resources (my "monk budget") for doing such work here, I realized that, if I sell here and free up my equity, I can continue doing such work at the next house. I'm 75 years old, and want to keep doing what I love to do. If not here, then wherever I see an opportunity to create tangible and intangible value.

Anita Jones is a wonderwoman! I went into escrow three weeks after she put my place on the market. My sale price is \$640k, and in addition the buyer will cover the \$10k water transfer fee to my water association, the \$10k in pest inspection recommendations, and the \$10k in homeowners inspection recommendations. Effectively a \$670k transaction. The new owner is Cindy D. Davis, a judge on the California Superior Court in San Diego. It is my impression she will use this place as a secondary residence, at least until she retires.

Fred

On Sun, Nov 26, 2017 at 1:04 PM, Fred Philippi <[fred.philippi@gmail.com](mailto:fred.philippi@gmail.com)> wrote:

----- Forwarded message -----

From: **Janie Rommel-Eichorn** <[countryflat1@gmail.com](mailto:countryflat1@gmail.com)>

Date: Sun, Nov 26, 2017 at 12:32 PM

Subject: Re: [neighbors] Moving

To: Fred Philippi <[fred.philippi@gmail.com](mailto:fred.philippi@gmail.com)>

Dear Fred,

Thank you for your lovely farewell message. Where are you headed? I hope it will be fulfilling and peaceful. Would you be so kind to go to the [bigsurlcp.com](http://bigsurlcp.com) site and write your support for strs in the BS LUP? As you know the draft ordinance process is moving along and this coming Wednesday will be the next meeting. Big Sur will be brought back in and the antis are winding up for the first pitch. Hence, Bruce Merchant's email urging people to voice their opinion, his point being oppositions. Lorrie Kempf has urged people who are in favor to also voice on that forum.

Blessings and it has been wonderful knowing you. BTW, Anita Jones, your realtor ( as I see from your for sale sign) is the mom of one our daughter Lizzy's friends from Stevenson, Chloe Noonan. I love Anita! She is a real pro and treasure!

Janie

On Sun, Nov 26, 2017 at 10:43 AM, Fred Philippi <[fred.philippi@gmail.com](mailto:fred.philippi@gmail.com)> wrote:

Dear neighbors,

I wish to say goodbye -- I will be moving away later this week.

I first came to Big Sur 55 years ago, and it has been my favorite place on earth every since. I left Big Sur 20 years later, for personal reasons, but was able to fulfill a dream and return here four years ago.

You have succeeded in maintaining Big Sur very much as it was when I arrived here in 1962. If one thing has changed, it would be that houses along the west side of Hwy 1 seem less visible now, thanks to the tree growth that seems designed to conceal them. And the populations of seals and otters, condors and eagles have grown considerably. Go, team!

I operated a short-term rental (STR) here for more than 2 years in a manner that, to my knowledge, caused no offense to anyone, and which helped me pay for the improvements I made to my property. Those improvements provided employment for local contractors, and operating the STR provided the county with a 10.5% TOT tax that equaled my annual property tax. (I am a strong advocate of the social contract we share.) I loved sharing Big Sur with my guests, who inevitably comported themselves more like retreatants at a monastery than like tourists.

Now I move again, but will always carry Big Sur in my heart.

Thanks, and best regards,

Fred Philippi  
36935 Palo Colo.

---

neighbors@palocolorado.org mailing list  
POSTS to neighbors@palocolorado.org  
ADDME/DELETEME to neighbors-request@palocolorado.org

--  
Janie Rommel-Eichorn  
PO Box 222958  
Carmel, CA 93922  
countryflat1@gmail.com  
(831)624-2894

**McDougal, Melissa x5146**

**From:** Beretti, Melanie x5285  
**Sent:** Monday, November 27, 2017 10:09 AM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** Fw: Public Hearing November 29, 2017 about short term rentals...

**From:** nancy@californiacoastlands.com <nancy@californiacoastlands.com>  
**Sent:** Friday, November 24, 2017 1:04 PM  
**To:** Beretti, Melanie x5285  
**Subject:** Public Hearing November 29, 2017 about short term rentals...

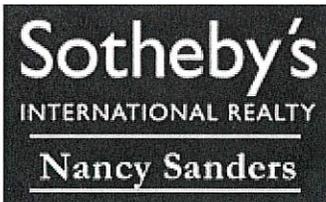
STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	PE 1100042/REF B0043 #2
DATE RECEIVED	11/27/17
SUBMITTED BY/VIA:	Public / email
DISTRIBUTION TO/DATE:	PC / 11/27/17
DATE OF HEARING:	11/29/17

Melanie Beretti, Special Programs Manager and  
Members of the Monterey County Planning Commission

My name is Nancy Sanders and I have lived in Big Sur since 1978. I am opposed to short term rentals in the coastal area and I support the document submitted by Kirk Gafill, the President of the Big Sur Chamber of Commerce. I support the rights of private property owners to the "quiet enjoyment of their land" without the intrusion of commercial uses of neighboring properties in residential neighborhoods. Short term rentals are very difficult to monitor or regulate. I believe that private land should be respected as private.  
Sincerely  
Nancy Sanders

Nancy Sanders  
Real Estate Broker  
Cal BRE # 01343023  
Sothebys International Realty  
P. O. Box 460, Big Sur, CA 93920  
831-596-5492  
800-779-7967  
[www.bigsur-realestate.com](http://www.bigsur-realestate.com)



Big Sur Real Estate | Central Coast California  
Homes for ...

[www.bigsur-realestate.com](http://www.bigsur-realestate.com)

Find your dream home on the Big Sur Coast. We Specialize in Big Sur Real Estate. After 30 years of living on the Big Sur Coast, I know the territory. Contact me for ...

**McDougal, Melissa x5146**

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, November 27, 2017 4:25 PM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** Fw: Big Sur Local Coastal Plan Defense Committee - Issue Paper on Big Sur LUP analysis on Short Term Rentals  
**Attachments:** Short Term Rental Issue Statement\_ September 4, 2015.pdf; STR Issue Paper Appendix #1 (Rev.1).pdf

---

**From:** Kirk Gafill <kgafill@nepenthebigsur.com>  
**Sent:** Monday, November 27, 2017 4:19 PM  
**To:** Beretti, Melanie x5285  
**Cc:** 'kenneth Wright'; 'Mary Wright'; Daniels, Katharine V.  
**Subject:** Big Sur Local Coastal Plan Defense Committee - Issue Paper on Big Sur LUP analysis on Short Term Rentals

Dear Melanie,

In reviewing the supporting documentation for the draft Short Term Rental Ordinance and in Exhibit E, which referenced input received from various parties, including the Monterey County Vacation Rental Alliance and the Monterey County Hospitality Association, I did not see any reference to the Big Sur Local Coastal Plan Defense Committee's September 4, 2015, Short Term Rental Issue Statement which provided an analysis of the Big Sur Land Use Plan in regard to short term rental activities. As you may recall, this analysis was developed at the request of then 5<sup>th</sup> District Supervisor Dave Potter due to the lack of any such analysis at that time by County staff.

I would thus appreciate it if you would please distribute to the members of the Planning Commission the attached issue paper and its appendix which provides the Big Sur Local Coastal Plan Defense Committee's analysis of the Big Sur Land Use Plan in this matter.

Thank you very much for your consideration of this request.

Regards,

Kirk

Kirk Gafill  
General Manager  
Nepenthe/Phoenix Corporation  
48510 Highway 1  
Big Sur, CA 93920

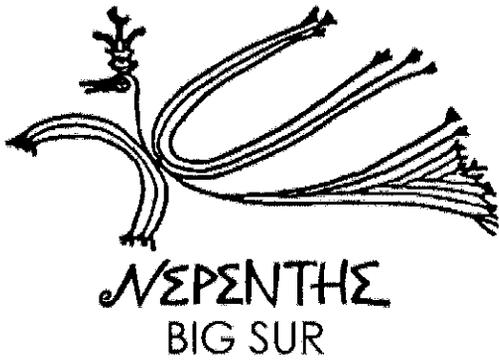
Ph: 831.667.7326 – Direct  
Ph: 831.667.2345 – Main  
Fax: 831.667.2394

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	REF 100042 / REF 130043 #2
DATE RECEIVED	11/27/17
SUBMITTED BY/VIA	Public email
DISTRIBUTION TO/DATE	PC / 11/27
DATE OF HEARING	11/29/17

See live views of the south coast on our weather cam at [www.nepenthe.com](http://www.nepenthe.com) .

---



Welcome

[www.nepenthe.com](http://www.nepenthe.com)

Nepenthe Restaurant in Big Sur California has world class views. Nepenthe sits 800 feet above the ocean and we also have Cafe Kevah for brunch and The Phoenix Shop where you can find treasures from your Big Sur trip.

---

September 4, 2015

#### ISSUE STATEMENT:

Should Short Term Rentals be permitted in the Big Sur Coast Planning Area?

#### BACKGROUND:

In the 1995-1999 period, commercial real estate interests sought to have Monterey County permit and regulate short term rentals in the county. In 1996, the Monterey County Planning Department concluded that a proposed ordinance to accomplish this goal would not have a significant effect on the environment and a negative declaration should be adopted. The following year, the Monterey County Board of Supervisors then adopted that ordinance to the Monterey County Coastal Implementation Plan requiring administrative permits for transient commercial use of residential properties for remuneration.

The ordinance was adopted in the face of widespread opposition from the locally affected communities, CoastWatch and the Big Sur Chamber of Commerce. Further, Monterey County did not conduct an environmental impact review prior to the adoption of the ordinance. Following its adoption, CoastWatch provided the county with an analysis of the negative impacts that short term rentals would have in the Big Sur Planning Area as a CEQA challenge.

Subsequently, the California Coastal Commission reviewed the ordinance and referred it back to Monterey County with the recommendation that it be reformulated to resolve inconsistencies so that it would not have to be a local coastal program amendment. In the ensuing period, no further action was taken by Monterey County to permit or regulate short term rentals in the coastal areas.

In recent years with the impact of the inexpensive and worldwide reach of internet marketing, changes in the larger economy and culture, and Monterey County code enforcement efforts limited to complaint-based actions, the number of short term rentals in the Big Sur Planning Area has greatly expanded and continues to grow in spite of their non-permitted status.

The negative impacts of the continued and rapid expansion of non-permitted commercial destination activity in residential neighborhoods are significant and cumulative as they further contribute to reducing the remaining capacity of Highway 1, the availability of affordable long term housing and the quality of life and special culture of the local community.

The prohibition of short term rentals in the Coastal Zone of Monterey County has done little to stop their rapid growth. The significant increase in short term rentals, coupled with the lack of effective enforcement, has demonstrated the need to bring Monterey County's current implementation policies into better alignment with the original intent of the Big Sur Coast Land Use Plan (LUP), approved by the California Coastal Commission in 1984 and certified by the California Coastal Commission in 1986.

#### DISCUSSION:

The Big Sur coast has been acknowledged throughout the world as a unique and special area of extraordinary environmental value, aesthetic beauty, and home to an exceptional and vibrant community whose culture and way of life are integral to protecting the environment and to enhancing the visitor experience. This widespread recognition resulted in local community and government efforts to protect the area and regulate the appropriate

uses of the land as early as the 1940's when the Monterey County Board of Supervisors went all the way to the United States Supreme Court to prohibit billboards along Highway 1.

Efforts to protect and manage the uses of the area continued with the development of the 1962 Big Sur Coast Master Plan and following the passage of the Coastal Act in 1972, the creation of local coastal programs. In 1975, the California Coastal Plan, which recognized that "The scenic Big Sur area is world-famous for its rugged beauty. Highway 1 from Carmel to San Simeon is a recreational area of national significance..." called for a Special Study Area of the Big Sur Coast from Carmel River to Cambria to resolve access issues, particularly the prioritization between recreational and residential use of the remaining capacity of Highway 1, and to establish preservation measures for the scenic landscape. (California Coastal Plan, pg. 233)

This ultimately led to the development of the Big Sur Coast Local Coastal Program including the Big Sur Coast LUP, a product of nine years effort to ensure the preservation of the area's wild beauty and opportunity for public access to the coast. Among the LUP's fundamental policies were to preserve the limited two-lane scenic highway capacity for the traveling public and prohibit development visible from Highway 1.

The California Public Resources Code (CPRC) provided guidance in crafting policies and guidelines in regard to the importance of protecting the scenic and visual qualities of the coastal areas (section 30251), defining development (section 30106), site capacity and intensity of use (sections 30106 and 30214), and ensuring natural resource protection (sections 30210 and 30240).

To achieve the goals of providing visual access for the public and preserving the environment, the policies of the LUP were designed to minimize or limit all destination activities. These residential, commercial and recreation destination activities were recognized as creating higher levels of traffic congestion, development activity, and impacts on the environment and public services than those associated with scenic driving. Therefore, the LUP guides land use away from destination activities and seeks to preserve remaining traffic capacity on Highway 1 for its use as a scenic highway which offers the greatest public access and reduced impacts on the environment and community.

Key results of the policies of the LUP and its implementation include the following: reduction of residential build-out by more than 90%, a cap on commercial transient occupancy build out to 300 additional units as of 1986, recreational build-out limited by strict environmental, visual, and public safety standards and the protection of the local community, its culture and critical role as guardians of the Big Sur coast.

Short term rentals represent a destination activity that is neither permitted by the LUP nor is it consistent with the goals of the LUP. They constitute additional negative and cumulative impacts in the following critical areas addressed by the LUP:

## SCENIC HIGHWAY 1

"California's last coastal wilderness, much of which was heretofore accessible only on foot and horseback, will have been penetrated at long last at a cost of nearly ten million dollars...this time and money was expended not for utility or commercialism, but for a thing of beauty." (Monterey Peninsula Herald, June 26, 1937)

The single most important public recreation facility along the Big Sur coast is Highway 1. America's first Scenic Highway, Highway 1 was built to provide not a transportation corridor, but a recreational experience. Travelling along Highway 1 has been the iconic Big Sur experience.

The Big Sur Coast Highway was declared the first State Scenic Highway in 1965. In 1996 it was designated the first All American Road under the Federal Highway Administration National Scenic Byways Program. Its role in providing affordable, readily available coastal access to millions of annual visitors is recognized in the LUP. The mandate to protect the quality of the recreational driving experience is likewise addressed in the LUP which recognizes that the traffic levels often exceed capacity (LUP 2.1, pg. 6, LUP 3.1, pg. 10, and LUP 6.1.3, pg. 118).

Management of the use and capacity of Highway 1 is essential to achieving the goals of the LUP to provide public access to the Big Sur Coast along this scenic route and the protection of the environment and quality of the visitor experience.

“Monterey County’s basic policy is to take a strong and active role in guiding future use and improvement of Highway 1 and all categories of land use related to and dependent on the highway. The County’s purpose will be to maintain and enhance the highways’ aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road....” (LUP, 2.2.3, pg. 8)

“A primary transportation objective of the Coastal Act is to maintain Highway 1 in rural areas as a scenic two-lane road and to reserve most remaining capacity for the priority uses of the Act. The limited capacity of Highway 1 to accommodate local and recreational traffic at a level that reserves reasonable service and emergency use and allows motorists to enjoy the beauty of Big Sur’s scenic coast is a major concern. Because traffic volumes along sections of Highway 1 are at capacity during peak recreational use periods and because future demand for recreational access is expected to exceed the capacity of the highway, the capacity of the highway is a major constraint on the long range development of the coast....” (LUP, 4.1, pg. 71)

“A closely related issue is what can be done to effectively manage use levels of the highway between Carmel and Cambria, particularly as needed to protect the priority uses of the Coastal Act. This appears necessary to insure that acceptable service levels are preserved so that the highway can meet its essential functions as the sole transportation and emergency route up and down the coast, and as a safe, pleasurable scenic and recreational travel facility. (LUP, 4.1, pg. 71)

“The following density standards for inn unit development are designed to allow up to 300 new visitor-serving lodge or inn units on the Big Sur Coast, 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 resources.” (LUP, 5.4.2.9, pg. 95)

“Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities.” (LUP, 1.2, pg. 2)

“Maintenance of the quality of the natural experience along the Big Sur coast has precedence over the development of any permitted uses, whether residential, recreational, or commercial.” (LUP, 2.3, pg. 10)

The conversion of long term housing to short term rental use increases the traffic impacts on Highway 1 both directly through increased trip demands by transient occupancy, and indirectly through displacing resident employees of public agencies and private employers, who must commute on Highway 1 to and from their work places from outside of the Big Sur Planning area.

The associated increase in traffic impacts on scenic Highway 1 is having a damaging effect on the natural resources of the Big Sur Planning Area, reduces the quality of the visitor experience and is limiting recreational opportunities and the required protections (CPRC 30210) of the natural resource areas from overuse.

## LOW AND MODERATE INCOME HOUSING –

“The County is required by State Laws mandating the Housing Element of the General Plan, to provide programs to increase the availability of low and moderate income housing. The following policies which are based on the goals of the County Housing Element reflect those actions that will be most effective for the Big Sur Coast.” (LUP, 5.4.3.I, pg. 106)

“The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason.” (LUP, 5.4.3.I, 1, a, pg. 106)

Despite the above mandate, primary residences, caretaker units, guest houses, guest rooms and other structures have been converted to short term rentals, reducing the amount of affordable housing. This has impacted the public and private sectors of Big Sur, causing increasing numbers of employees to commute from the Monterey Peninsula and beyond where they can find affordable housing. The cost and time spent commuting, often an hour or more driving time each way, further limits the availability of qualified visitor serving employees for public agencies (United States Forest Service, California Department of Parks and Recreation, California Highway Patrol, Carmel Unified School District, Big Sur Unified School District, etc.) whose staff work in Big Sur. Equally impacted are those employees of the visitor serving private sector and community serving organizations such as the Big Sur Volunteer Fire Brigade and Big Sur Health Center.

## COMMUNITY AND CULTURE –

Although the LUP clearly recognizes the importance of the Big Sur community and its contributions, the conversion of housing to short term rentals is reducing the availability of local housing. This conversion represents a change in the density or intensity of use of land, which is a function of development (CPRC 30106).

In addition, this reduction in housing directly affects all segments of the community that provide public access opportunities and needed public safety and support services attendant to that access. The loss of available housing in an area with a historically insufficient amount of housing limits the quantity and quality of available employees and residential opportunities for those who serve and complement the visitor experience.

“The special cultural characteristics of the Big Sur Coast should also be recognized as a primary resource. Man’s presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help protect the environment and enhance the visitor experience.” (LUP, 2.1, pg. 6)

“The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, they are not well suited for commercial agriculture, commercial, or visitor uses; use of these

areas, to the extent consistent with resource protection, should continue to be for residential purposes.” (LUP, 5.1.1, pg. 81)

“The following density standards for inn unit development are designed to allow up to 300 new visitor-serving lodge or inn units on the Big Sur Coast, 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 resources.” (LUP, 5.4.2.9, pg. 95)

#### CONCLUSION:

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. Further, their exclusion as a permitted development in the Big Sur Planning Area must be supported with a successful enforcement effort. Each current and additional short term rental in the Big Sur Planning Area represents an additional increase in destination traffic impacts, a conversion of existing housing and the loss of long term community housing stock.

- The added transient visitor use resulting from short term rental conversions causes significant additional and cumulative destination traffic impacts on Highway 1, further reducing its capacity to provide for the priority scenic driving uses protected by the certified Big Sur Coast Land Use Plan.
- The vast majority of short term rentals, prior to their conversion, were affordable long term rentals. Their conversion represents a clear conflict with the county’s responsibility under the LUP to protect existing affordable housing and the State General Plan law.
- The local community that is recognized in the LUP as a key resource for the public and responsible for the care and preservation of the Big Sur coast is comprised of property owners and tenants, with the majority being tenants. The loss of housing due to short term rental conversions thus has an overwhelming negative impact on the tenant portion of our community.

#### RECOMMENDATION:

The Big Sur Coast Planning Area should be excluded from any countywide ordinance permitting short term rentals and an appropriate enforcement mandate should be adopted to make this exclusion effective.

Respectfully submitted by Kirk Gafill on behalf of the Big Sur Local Coastal Program Defense Committee.



Kirk Gafill  
48460 Highway 1  
Big Sur, CA 93920  
Ph: 831.667.7326  
Email: kgafill@nepenthebigsur.com

## APPENDIX #1 (Rev.1): Big Sur Coast Planning Area Public Facilities

The Big Sur Coast Planning Area covers 70 miles of steep coastal terrain and contains 600 residential parcels [a 90% lot reduction having been the result of the adoption and certification of the Big Sur Coast Land Use Plan (LUP)], and a population of 1,200 to 1,400 residents.

In addition to driving scenic Highway 1, public access facilities in the Big Sur Coast Planning Area include the following as estimated by the Big Sur Local Coastal Program Defense Committee:

- Hotels, motel, and cabins: 350 units (capped by the LUP at a maximum buildout of 550 units).
- Vehicle camp sites: 700
- Wilderness tent sites: 800
- Hiking trails: 350 miles
- Vehicle Day Use parking capacity: 1,500 vehicles
- Scenic pull out parking capacity on Highway 1: 1,900 vehicles

**McDougal, Melissa x5146**

---

**From:** Beretti, Melanie x5285  
**Sent:** Tuesday, November 21, 2017 2:30 PM  
**To:** McDougal, Melissa x5146; Nickerson, Jacquelyn x5240  
**Subject:** FW: Monterey County Planning Commission Public Hearing – November 29, 2017

**From:** Alan Perlmutter [mailto:sandperl28@gmail.com]  
**Sent:** Tuesday, November 21, 2017 2:01 PM  
**To:** Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>  
**Subject:** Monterey County Planning Commission Public Hearing – November 29, 2017

**From:** Alan Perlmutter

**Mailing Address:** P O Box 460

9253 Sycamore Canyon Road

Big Sur, CA 93920

Big Sur CA 93920

**Email Address:** [sandperl28@gmail.com](mailto:sandperl28@gmail.com)

**TO:** Melanie Beretti, Special Programs Manager  
Monterey County Resource Management Agency

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	REF 100042/130043 #2
DATE RECEIVED	11/21/17
SUBMITTED BY/VIA	Public email
DISTRIBUTION TO/DATE	PC, 11/22
DATE OF HEARING	11/29/17

**RE:** Monterey County Planning Commission Public Hearing – November 29, 2017

**Short Term Rentals – Big Sur Coast Land Use Planning Area**

I am a resident of Big Sur for 40 years. My family and I own and operate the Big Sur River Inn.

I strongly oppose the allowance of Short Term Rentals in the Big Sur Coast Land Use Planning Area and urge the Planning Commission to prohibit their allowance for the following reasons:

1. The Big Sur Land Use Plan, when adopted by the California Coastal Commission, specifically included the development of over 500 campsites specifically for the availability of lower cost tourist accommodations. Retired Congressman Sam Farr, who actively participated in the development of the Land Use Plan testified to that fact before this Commission in November 2016,

2. The California Coastal Commission has contended that Short Term Rentals provide opportunities for lower income tourists. That is a false premise. The properties that are being rented for short term in Big Sur range into the hundreds and thousands of dollars for a night's stay. Advertisements by VRBO, Airbnb, and other rental websites confirm this. These can hardly be described as being made available for the lower income tourist.
3. I also participated in the development of the plan and unequivocally agree with Congressman Farr's statements.
4. The Land Use Plan specifically prohibits commercial development in areas other than those designated for "Visitor Serving." Private residential properties are not zoned for Visitor Serving. The very fact that the County collects Transit Occupancy Taxes from Short Term Renters makes it clear that the Short Term Rental is a Commercial Use.
5. Ninety five percent of the housing stock in Big Sur is on narrow winding roads, many of them graveled and rutted and well off Highway 1. Drivers unfamiliar with these rugged conditions seeking their short term rental have gotten lost, driven off the roads, disturbed neighbors and have presented an added danger to the community in the event of sudden unanticipated emergencies.
6. Many of the short term rentals are owned and operated by absentee owners. Some have been purchased exclusively for the financial rewards of their operation. Development of this sort is not in the spirit of the Land Use Plan's mission or objectives.

I urge the Commissioners to prohibit Short Term Rentals in the Big Sur Coast Planning Area. Thank you for your careful consideration,

Alan Perlmutter

**Nickerson, Jacquelyn x5240**

---

**From:** Jerri Hansen <jerrihansen@att.net>  
**Sent:** Tuesday, November 14, 2017 3:38 PM  
**To:** McDougal, Melissa x5146  
**Cc:** 194-RMAComments  
**Subject:** Comments regarding : November 29, 2017 Planning Commission Public Hearing Notice for Short-term Rentals

Dear Monterey County Planning Commission,

Please do NOT include The Big Sur Coast Land Use Plan Area in the proposed regulations for short-term rentals. We are a unique sensitive area and need all residents to be informed before a meeting about the Big Sur area.

I live in Palo Colorado Canyon. My family has lived here for sixty years. I believe short stays on private roads should be prohibited. Some short stays pass through seven or more private properties. There are so many issues. I believe we need a meeting specifically for these coastal zones and private shared roads.

Thank you for your kind attention,  
Jerri

Jerri Masten Hansen  
37931 Palo Colorado Rd .

Carmel, CA 93923

STR

<b>HEARING SUBMITTAL</b>	
PROJECT NO. / AGENDA NO.	RE100042 / RE30543 #2
DATE RECEIVED	11/14/17
SUBMITTED BY VIA	Public email
DISTRIBUTION TO DATE	PC / 11/20
DATE OF HEARING	11/29/17

**From:** [Tim Gill](#)  
**To:** [Beretti, Melanie x5285](#)  
**Subject:** Re: How Santa Barbara County is dealing with Short Term Rental Ordinances (Coastal - REF130043 & Inland - REF100042)  
**Date:** Tuesday, November 07, 2017 2:49:29 PM

---

Hi Melanie,

I'm sure everyone is aware of this, but I thought I would share just in case. I assume that ADU's and caretaker units will be off limit for short term rentals in Big Sur as there is a shortage of housing stock for people that work on the Big Sur coast. If that is the case, a possible solution, which is the one SB County has hit on, is to allow what they are calling "Homestays."

Here is how they defined it:

"Homestay: A dwelling where an owner or long-term tenant of the property inhabits the same parcel at the same time as the transient occupant."

Thanks for all of your help. I know this process is a tricky one.

Best regards,

Tim

-----Original Message-----

From: Beretti, Melanie x5285  
Sent: Friday, November 03, 2017 9:46 AM  
To: Tim Gill ; Nickerson, Jacquelyn x5240  
Subject: RE: Short Term Rental Ordinances (Coastal - REF130043 & Inland - REF100042)

Jackie - Please add Tim Gill (cc'd) to the STR Public Distribution List.  
Thank you for confirming when done.

Tim - I am preparing a discussion/action item for the Planning Commission on the 11/29 in the staff report so the community and PC can discuss and PC can provide direction regarding advancing STR regulations for Big Sur now that Pfeifer Canyon Bridge access is restored. I've received a number of inquiries regarding this matter.

Kindly, Melanie

Melanie Beretti | Special Programs Manager  
Office | 831-755-5285

-----Original Message-----

From: Tim Gill [<mailto:timgill@cox.net>]  
Sent: Thursday, November 2, 2017 3:43 PM  
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>  
Subject: Re: Short Term Rental Ordinances (Coastal - REF130043 & Inland -

REF100042)

Thanks Melanie,

How do I get on that list so I will be contacted in the future?

And, the meeting on November 29 specifically excludes Big Sur. Do you know when they will have A draft report ready regard to Big Sur? And any idea on a timeline for getting to an agreement on short-term rentals in Big Sur?

Thanks!

Tim

Sent from my iPhone

> On Nov 2, 2017, at 2:51 PM, Beretti, Melanie x5285

> <BerettiM@co.monterey.ca.us> wrote:

>

> Hello Tim,

> My apologies this email got lost in my inbox. The next hearing is planned  
> for 11/29 - you should have received the Save the Date via the STR Public  
> Distribution email list. Let me know if you need anything else.

>

> Melanie Beretti | Special Programs Manager Office | 831-755-5285

>

> -----Original Message-----

> From: Tim Gill [<mailto:timgill@cox.net>]

> Sent: Thursday, September 28, 2017 2:33 PM

> To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>

> Subject: Short Term Rental Ordinances (Coastal - REF130043 & Inland -  
> REF100042)

>

> Project Lead: Melanie Beretti, Special Programs Manager, (831)  
> 755-5285; berettim@co.monterey.ca.us

>

> Hi Melanie or Tim Beret:

>

> I would like an update on the Short Term Rental Ordinances. The website  
> references the June 28th commission hearing. What is the latest? What  
> happens next? What is the status in the Big Sur area? Thank you.

>

> Best,

>

> Tim

>

>

>

**From:** [Lorin Letendre](#)  
**To:** [Beretti, Melanie x5285](#)  
**Subject:** Short term rentals  
**Date:** Thursday, October 26, 2017 12:34:35 PM

---

Hi Melanie—my wife and I strongly support owner-occupied STRs as we for many years rented a studio apartment in Big Sur and the owners made sure we were quiet and respectful of our neighbors. But they had to sell their house when the County started closing down STRs in Big Sur as they were retired and depended on the income from their rentals. Best of luck with your policy here!

Sent from my iPhone

**From:** [Gary Patton](#)  
**To:** [Dan Carl](#); [Craig, Susan@Coastal](mailto:Craig.Susan@Coastal); [Kevin Kahn](#); [Mike Watson](#); [kbutler@coastal.ca.gov](mailto:kbutler@coastal.ca.gov)  
**Cc:** [Holm, Carl P. x5103](#); [Beretti, Melanie x5285](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [ClerkoftheBoard](#); [100-District 4 \(831\) 883-7570](#); [100-District 1 \(831\) 647-7991](#); [100-District 5 \(831\) 647-7755](#); [Padilla, Cosme](#); [Rochester, Don](#); [Keith Vandevere Esq.](#); [Ambriz, Ana](#); [Getzelman, Paul C.](#); [Duflock, Melissa](#); [Amy Roberts](#); [Mendez, Jose](#); [Hert, Luther](#); [Martha Diehl](#)  
**Subject:** Proposed Big Sur LUP Revisions - Contradicting Provisions Of The Coastal Act  
**Date:** Wednesday, August 16, 2017 4:59:13 PM  
**Attachments:** [Letter to Coastal Commission Re Big Sur LUP - August 2017.pdf](#)

---

Dear Dan Carl and Other Coastal Commission Staff Members,

I am attaching a letter sent on behalf of the Monterey County Vacation Rental Alliance (MCVRA). As you all know, I am sure, MCVRA has been trying to work with Monterey County for over four years, to help develop a short-term vacation rental ordinance for Monterey County, including areas within the Coastal Zone, that would meet the “legitimate concerns associated with the potential adverse impacts associated with vacation rentals...” as identified by the then-Chair of the Commission, Steve Kinsey, in a December 6, 2016 letter to Monterey County planning officials. The kind of “balancing” that is required should be accomplished by an ordinance addressing the issues in a comprehensive way, the provisions of which ordinance should then apply uniformly within the Coastal Zone.

Unfortunately, the County has not made achieving this kind of fair and balanced regulatory system a priority, and one delay after another has been the County’s approach. Most recently, the Big Sur Land Use Advisory Committee has sent to the County’s Resources Management Agency a proposed revision to the Big Sur Land Use Plan that is an attempt to “carve out” Big Sur, setting up policy roadblocks in the LUP to prevent any such appropriate balancing in Big Sur; the proposed LUP revision disregards the process that the County has employed to work towards a responsible ordinance.

The attached letter requests the Commission to work with the County to have it address the issues in a fair way, and to do so promptly. I send this appeal to you with a sense of urgency. MCVRA is concerned that this ill-considered proposal from the Big Sur LUAC will lead to even greater delays. Your assistance will be very much appreciated.

Thank you for your attention to this matter. As always, please let me know of anything that MCVRA or I can do to be of positive assistance.

Gary A. Patton, Attorney at Law  
P.O. Box 1038  
Santa Cruz, CA 95061  
Telephone: 831-332-8546  
Email: [gapatton@mac.com](mailto:gapatton@mac.com)  
Website: [www.gapatton.net](http://www.gapatton.net)  
Facebook: <https://www.facebook.com/gapatton>

---

**Gary A. Patton, Attorney At Law****Post Office Box 1038, Santa Cruz, California 95061****Telephone: 831-332-8546 / Email: gapatton@mac.com**

---

August 16, 2017

Dan Carl, Central Coast District Director  
California Coastal Commission  
Central Coast Regional Office  
725 Front Street, Suite 300  
Santa Cruz CA 95060-4508

RE: Proposed Revision of Big Sur Land Use Plan And Short-Term Rentals

Dear Mr. Carl:

I am writing to you on behalf of the Monterey County Vacation Rental Alliance (MCVRA). As you undoubtedly know, a proposed revision to the Big Sur Land Use Plan (LUP) has been submitted to the Monterey County Resources Management Agency (RMA) by the Big Sur Land Use Advisory Committee (LUAC). I am attaching a copy of the proposed draft revision, for your convenience.

MCVRA has very serious concerns about the attached draft plan (and the process used to produce it). I am outlining these concerns in a summary form in this letter, and provide more detailed references in several attachments. I would like to encourage your staff to work with the Monterey County Resources Management Agency to eliminate language in the proposed revision of the Big Sur LUP that is in direct conflict with provisions of the California Coastal Act.

The proposed revision of the Big Sur LUP seeks to prevent the operation of any short-term vacation rental in the Big Sur area. MCVRA believes that adopting any such policy in the Big Sur LUP would be in direct contradiction to Coastal Act provisions intended to maximize the ability of members of the public to have access to the coast. In addition, the proposed changes to the LUP place priority on long term (employee) housing over visitor lodging (STRs), which is also a violation of Coastal Act policies.

The Big Sur coast is, arguably, the most spectacular and impressive part of the entire California coastline. Access to Big Sur should not be restricted to the wealthy alone. Eliminating short-term and vacation rental opportunities in the Big Sur area would make it more difficult, or might even make it impossible, for lower-income individuals and families to experience this national treasure.

In a letter dated December 6, 2016, the then-Chair of the Commission, Steve Kinsey, told planning officials in Monterey County that the Commission “believe[s] that vacation rentals provide an important source of visitor accommodations in the coastal zone.” MCVRA, of course, strongly agrees with that statement, which is solidly based on the policies set forth in the California Coastal Act:

- California Public Resources Code §30001.5: “The basic goals of the state for the coastal zone are to ... (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with

sound resources conservation principles and constitutionally protected rights of private property owners.”

- California Public Resources Code §30222: “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....”

These Coastal Act mandates apply to Big Sur, just as they apply to all other portions of the California Coastal Zone, and these state policies are in flat contradiction to language contained in the proposed revision of the Big Sur LUP.

MCVRA also agrees, as Chair Kinsey said in his December 6, 2016 letter, that there are “legitimate concerns associated with the potential adverse impacts associated with vacation rentals...” As I believe you and the Commission know, MCVRA has been trying to work with Monterey County for four years, or more, to help develop an ordinance for Monterey County, including areas within the coastal zone, that would meet the tests identified in Chair Kinsey’s letter. In fact, the kind of “balancing” that is required should be accomplished by an ordinance addressing the issues in a comprehensive way, the provisions of which ordinance should then apply uniformly within the Coastal Zone. The approach taken in the Big Sur LUP revision is an attempt to “carve out” Big Sur, setting up policy roadblocks in the LUP to prevent any such appropriate balancing in Big Sur, and the process that the County has employed has served to prevent any balanced approach.

Again, MCVRA hopes that your office will be able to work with the RMA to provide appropriate guidance at an early date, to focus the County on a productive way to reconcile local and neighborhood concerns with the need to make coastal access the priority that the Coastal Act requires. We very strongly believe that the proposed revision to the Big Sur Land Use Plan not only does not accomplish that objective, but is heading in the opposite direction.

Thank you very much for your response to our concerns, and for your continuing involvement in this important issue for the future of visitor accommodations in the coastal zone.

Very truly yours,



Gary A. Patton, Attorney  
Monterey County Vacation Rental Alliance

Attachments

cc: Board of Supervisors, RMA, Planning Commission, Other Interested Persons

## **Provisions of The Proposed Revision To The Big Sur LUP That Prohibit STRs**

On Pages 79-80 of the proposed revision there is a flat prohibition of short-term or vacation rentals:

### **B. Time Shares and Short Term Rentals**

1. Time Shares are prohibited in the Big Sur Coastal Planning Area.
2. Short Term Rentals are prohibited in the Big Sur Coastal Planning Area.

In addition, there are numerous other efforts in the proposed revision to prevent short-term or vacation rentals, and comparable kinds of visitor-serving facilities. For instance, on Pages 78-79, the following provisions severely restrict Bed and Breakfast facilities:

### **A. Bed & Breakfast Facility**

Most visitor accommodations are more appropriate in the Visitor and Community Serving Commercial land use designation. In order to provide a range of accommodations to a variety of visitors, a limited number of visitor accommodations may be appropriate outside of the Visitor and Community Serving Commercial land use designation. Because of the uniqueness of Big Sur (particularly due to the importance of land stewardship to ensure resource protection and to protect the long-term viability of the Big Sur community), any visitor accommodations outside of the Visitor and Community Serving Commercial land use designation shall be limited to Bed and Breakfast Facilities so long as they are not detrimental to the health, safety and welfare of the people residing in the area. For those reasons, Bed and Breakfast Facilities are subject to the policies below:

1. Bed and Breakfast Facilities are allowed in Visitor and Community Serving Commercial land use designation.
2. Bed and Breakfast Facilities are not allowed where Palo Colorado or Sycamore Canyon Roads are used for access.
3. Other than from Palo Colorado or Sycamore Canyon Roads, Bed and Breakfast Facilities may be allowed outside of the Visitor and Community Serving Commercial land use designation if they meet all of the following criteria:
  - The property has unshared, direct access from Highway One and with a coastal permit and use permit in each case to ensure that the location is appropriate for such operation. Bed and Breakfast Facilities are not allowed on any shared private road. Each use permit shall be renewed every 5 years and expires upon transfer of ownership.
  - A property owner shall reside on-site as their principal residence and manage their respective Bed and Breakfast Facilities.
  - The Bed and Breakfast Facilities shall not be affiliated with any motel or hotel

in order to avoid “commercializing” the residential neighborhoods. No two Bed and Breakfast Facilities shall have any common ownership interest.

- The Bed and Breakfast Facilities shall not be detrimental to health, safety or welfare of the people residing in the neighborhood. Adequate ingress and egress shall be available for emergency vehicles.
- Bed and Breakfast Facilities shall have sufficient infrastructure (i.e., water, sewer, public road, parking) to serve their operations.

The proposed “Rural Residential” policies, found on Page 76, would also prevent short-term rentals:

***1. Rural Residential***

For Rural Residential land use designation, rural residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include accessory dwelling units for long term housing with a deed restriction for such use (i.e., not allowed to be converted to short term rentals), garages, work or storage sheds, and art or craft studios. Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential land use designation because they contain comparatively small parcels, generally unsuitable for other kinds of development.

Land use intensities for this designation are set forth below for Section \_\_\_\_, Land Use Intensities.

The provisions relating to a proposed “Employee Housing Overlay” designation also calls out a specific prohibition on short-term rentals. The proposed provisions are found on Page 76:

***6. Employee Housing Overlay over Visitor and Community Serving Commercial Land Use Designation***

Employee Housing Overlay is over the Visitor and Community Serving Commercial land use designation, or any parcel located contiguous to a parcel or parcels with Visitor and Community Serving Commercial land use designation (as reviewed on a case-by-case basis). The purpose of the Employee Housing Overlay is to encourage and facilitate development of employee housing. The Overlay shall permit residential development of any type (i.e., multi-family or single family) to provide for employee housing.

**A. Employee Housing Overlay Policies**

- I.** Long term housing in the Employee Housing Overlay shall not be converted to short term rental. To protect against conversion of employee housing to other uses such as short term rentals, each employee unit shall be deed restricted to provide housing for employees in Big Sur, and the County shall develop a mechanism to track and penalize violators of the deed restriction.

## **The Process Used To Produce This Proposed Revision Was Unfair**

---

The following communication from Janie Rommel-Eichorn, a Big Sur resident and formerly a member of the MCVRA Board of Directors, is addressed to RMA staff members and outlines the way the LUAC process was utilized to prevent the development of a balanced approach to short-term rentals in the Big Sur Planning Area:

From: Janie Rommel-Eichorn

Sent: Wednesday, May 18, 2016 2:49 PM

To: Carver, Martin 796-6049; Onciano, Jacqueline x5193

Subject: Questions about the Big Sur Land Use Plan Update

Dear Martin and Jacquie,

I am a resident of the Big Sur area and a part of the Short Term Rental Work Group that Supervisor Dave Potter convened in 2015 to work toward consensus on an ordinance for the entire county. I, and a number of members of our group, the Monterey County Vacation Rental Alliance, attended as many Big Sur LUAC meetings as we could in 2013, 2014 and 2015. The push back and resistance to considering possible language in the LUP to permit and regulate short term rentals was horrendous. There was no opening, no receptivity, and long term Big Sur residents such as ourselves were consistently shut down. It was not a fair process. Most of us, deeply discouraged, stopped attending the meetings. Many of us work and could not get to a 9:30 AM meeting every Monday in Big Sur. We DID attend the meetings which we lobbied for once a month at 5:30 PM when they were held, but those eventually were discontinued. Keep the opposition out, so their voices cannot be heard by scheduling meetings when they can't come.

I receive the reports after the LUAC meetings and I am writing to voice a big concern. Our group had attempted early on to negotiate some language in the update regarding STRs. The LUAC told us that the county (assuming that was you all, being the County reps in charge of this process) told the LUAC that the STR process would be decided through other means, likely meaning the STR Ordinance that has been bogged down for the last three years. It is finally starting to move forward. Lately, each time an email came from LUAC, it would say something to the effect that "Short Term Rentals will be dealt with in a different manner by the County." And I agree it was rather pointless to continue to attempt a dialog with the LUAC members since they are so entrenched in their position. Of course, a statement like this WOULD keep the advocates away from a meeting if they were told, "can't talk about it here anymore."

So, here is my concern: As I review the work that was sent out pursuant to the May 16 meeting I was alarmed when I found the following verbiage. I underlined in RED the sentences I protest. IF discussing or making recommendations about short term rentals in the Big Sur Land Use Planning area are NOT to be a part of the LUP then why is there verbiage prohibiting them and discussing prohibition of long term housing being converted to short term? My point is since the county is dealing with this issue elsewhere, there should be NO mention of

short term rentals in the BSLUP update. Do you see how unrepresentative of a process the LUP Update is in this arena?

The Big Sur LUAC writes for their purposes and purports to represent the whole of Big Sur. They don't AND there has never been a fair process for folks with opposing views to articulate or get their concerns addressed. I would appreciate your response to my concerns. My request would be to strike any reference to Short Term Rentals in the Big Sur Land Use Plan Update. It is unfair to include any language without representation from people who support them and there is no forum for that to take place within the LUAC meetings. I believe it was prudent for Dave Potter to convene the work group. Even though the members from the Big Sur LUAC present continued to stonewall any dialog about possible inclusion of STRs in the Big Sur Land Use Planning Area.

I am attaching the part of the update that caused me alarm:

Employee Housing Overlay over Visitor and Community Serving Commercial Land Use\*

Designation: last sentence I highlighted in RED

5.3.2 Bed and Breakfast B.2

Last sentence highlighted in RED\*

With respect and appreciation,

Janie Rommel-Eichorn

---

\*The identified language is included in the other attachment to this letter.



BIG SUR COAST  
LAND USE PLAN



LOCAL COASTAL PROGRAM  
MONTEREY COUNTY, CALIFORNIA

# ***TABLE OF CONTENTS***

# ***LIST OF TABLES AND FIGURES***

## ***LIST OF APPENDICES***

*Appendix A - Coast Highway Management Plan*

*Appendix B - Monterey County Community Wildfire Protection Plan*

*Appendix C - Proposed Process for Writing the Master Plan for the Big Sur Portion of the California Coastal Trail*

*Appendix D – General Guidelines for Creating Defensible Space.*

# ***1. INTRODUCTION***

## ***1.1 OVERVIEW***

The plan contained in these pages is the Land Use Plan for the Big Sur Coast segment of Monterey County's Local Coastal Program, which shall be called the Big Sur Coast Land Use Plan (LUP).

After adoption by Monterey County and certification by the California Coastal Commission (Coastal Commission) this LUP will supersede the Big Sur Land Use Plan which was adopted in 1984 and certified in 1986 (1986 LUP). The 1986 LUP had in turn superseded the Monterey County Coast Master Plan, which was adopted in 1962 and in effect for twenty-two years.

In 1999, Monterey County embarked on a General Plan Update (GPU), which included writing multiple draft general plans over the course of years. As part of that process, in 2002, the Big Sur and South Coast Land Use Advisory Committees (LUACs) began a series of public meetings with the intent of providing language for the Big Sur section of the draft GPU, which at that time included coastal planning areas. The LUACs worked with two members of the GPU team. There was excellent participation by the community and great cooperation amongst all of the agencies involved with different aspects of the GPU.

Ultimately, it was decided that the GPU would only apply to the inland areas of the County, and that updating the County's Local Coastal Program would wait until after the GPU was completed. The GPU took another eight years and was not finalized until 2010 (2010 General Plan).

Section 1.5.d. in the 2010 General Plan's Introduction explains that the 2010 General Plan does not amend Monterey County's existing local coastal program and that the 2010 General Plan's policies do not apply in the Coastal Zone. That section also explains that the County's 1982 General Plan continues to apply in the Coastal Zone until Monterey County's local coastal program has been amended and certified by the Coastal Commission. Monterey County plans to draft "coastal-wide" policies to address the elements of a general plan that are required by state general plan law that are not included in this LUP. The coastal-wide policies are to apply in all four of Monterey County's coastal planning areas except as modified by any specific local coastal plan due to localized conditions. After the coastal-wide policies and this LUP are adopted by the County and certified by the Coastal Commission, this LUP and the coastal wide policies shall function as the general plan for the Big Sur Coastal Planning Area, superseding the 1982 General Plan and the 1986 LUP.

In 2013, the LUACs returned to the task of updating the 1986 LUP. The Work preparing this LUP is based largely on the 1986 LUP, while acknowledging that such factors as changed conditions, lessons learned, and new concerns necessitate that the 1986 LUP be updated to meet current needs.

Since 1986, the following three additional documents have been created that have helped inform the drafting of this LUP:

- 1) *Coast Highway Management Plan (CHMP)* (Appendix A), prepared by the California Department of Transportation (Caltrans) - The CHMP has no regulatory power but sets a direction for decisions by Caltrans related to maintaining Highway One through the Big Sur Coastal Planning Area.
- 2) *Monterey County Community Wildfire Protection Plan (CWPP)* (Appendix B) – The CWPP makes recommendations intended to help protect lives, property and the environment by preparing Monterey County for wildfires. The CWPP acknowledges that a hundred years of fire suppression has resulted in an accumulation of wildfire fuels that present an ever increasing threat to communities and the environment.
- 3) *Proposed Process for Writing the Master Plan for the Big Sur Portion of the California Coastal Trail* (Coastal Trail Planning Document) (Appendix C) - The community planning process document developed to set guidance for the alignment, planning, management and maintenance of the Big Sur portion of the California Coastal Trail.

As the primary component of a certified Local Coastal Program, this LUP will provide development standards to guide the actions of all State and local agencies. Further, under the provisions of the Federal Coastal Zone Management Act, proposed actions by all federal agencies must be submitted for review by the Coastal Commission to ensure that their actions are consistent with the certified local coastal program for this area, except as provided by federal law. The Coastal Commission will rely on the certified LUP for guidance when reviewing federal projects for consistency with the policies of the California Coastal Management Program.

This LUP has been prepared to carry out the requirements of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection, public recreation, public access and support by Big Sur's community. Therefore, these were four important considerations used to formulate this plan. The LUP recognizes the historic and current importance of the resident Big Sur community's support for the protection and vitality of Big Sur. This LUP hopes to achieve a balance between ensuring the survivability of the Big Sur community and its neighborhoods and the Coastal Act's emphasis on other public benefits.

## ***1.2 PHYSICAL AND CULTURAL SETTING***

The Big Sur coast of central California is over seventy miles in length and stretches from the Carmel area on the north, south to the San Luis Obispo County line near San Simeon. Perhaps the largest single coastal planning area in California, the Big Sur region is also among the most geographically distinctive.

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 afforded by the National Scenic Byways Program to those few highways in America that are so distinctive as to be considered destinations unto themselves.

The western slopes of the Santa Lucia Mountains, reaching an elevation of approximately 5,200 feet at Cone Peak, drop precipitously to the sea. Much of the coast is bounded by sheer cliffs. Great offshore rocks punctuate the dramatic meeting of land and sea. Beaches are few. Strong currents, waves, and cold

water make swimming hazardous. Nearly fifty separate streams flow down the mountains to join the sea. Several of these, such as the Big Sur and Little Sur Rivers, Big Creek, Garrapata Creek, and Salmon Creek, have substantial year-round flows and support anadromous and resident game fish. The Big Sur coast is rich in plant and wildlife diversity. Coastal redwoods are found in the cool, moist canyons. The Santa Lucia fir and many other rare plants are present. Mountain lion, an occasional black bear, deer, and many smaller terrestrial animals and birds make Big Sur their home. While the California sea otter refuge runs the length of the coast, the otter is only a small part of the diverse spectrum of marine wildlife.

The climate in Big Sur is mild. Although the winters bring some of the heaviest rainfall in California, the summers are long and dry. Coastal fog is typical in summer mornings near the shore; inland and at the higher elevations temperatures can get quite high.

Fire danger is ever present in summer and can be extremely hazardous for residents. Joining of marine and land air masses over uneven topography significantly compounds wildfire behavior in Big Sur. Erratic fire behavior due to rapidly shifting winds and humidity under “normal” conditions is common. Fire behavior under rare or extreme weather conditions constitutes the greatest threat of destructive uncontrolled wildland fires. Of the factors that most affect wildfire behavior – weather, topography, and quantity of vegetation – the only factor significantly within human control is quantity of vegetation.

Reducing the ignitability of structures also helps protect lives and property. However, reduction of hazardous accumulations of wildfire fuels before fires start is needed to avoid high-intensity fires that make structure survival problematic regardless of construction. During the recent Soberanes Fire and also the Basin Complex Fire in 2008, homes were lost even though they were constructed of fire resistant materials, due to high heat intensity resulting from burning of hazardously overgrown vegetation. Fire danger is ever present in summer and can be extremely hazardous for residents and visitors alike.

The rugged mountainous terrain of the Big Sur coast and other natural constraints have had a profound effect on historical use of the area and will continue to serve as a limitation on the kinds of activities that can be carried on and the scale of development.

The scenic qualities and the natural grandeur of the coast which result from the imposing geography, the rich vegetative compositions, and the dramatic meeting of land and sea are the area's greatest single attraction to the public. Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities.

Although it has remained a rural area where sturdy pioneering families still carry on ranching, over the last several decades many of its cattle ranches have been acquired by various public agencies. Big Sur's residents have also achieved acclaim for their cultural contributions. Many well-known writers, artists, and artisans have been inspired by the coast's dramatic vistas and timeless solitude. A strong residential community supports visitor serving commercial and recreational areas. However, long-term survivability of the Big Sur community due to lack of affordable housing is a significant concern. This LUP attempts to address this concern.

In 2016, the Big Sur Coastal Planning Area occupied 145,309 acres (on 1,481 parcels). Of this total, 41,154 acres (on 1,212 parcels) representing 28 percent of the total land area, is in private ownership. The remaining 72 percent or 104,155 acres is in public ownership.

### ***1.3 PAST AND PRESENT PLANNING***

Past planning has been conscious of the unique qualities of Big Sur. Soon after the construction of Highway 1 in the late 1930's, the County drew national attention when it successfully prevented construction of a service station advertising sign and won a landmark case, securing for local government the right to use its police power for aesthetic purposes.

Beginning in 1959 and continuing until 1962, the County worked with local residents and consultants to develop a master plan for the coast. This plan, known as the *Monterey County Coast Master Plan*, has been recognized as both innovative and far reaching and has enjoyed the support of the people in the area. Closely following adoption of the *Coast Master Plan*, the County took the unusual step of inviting the federal government to study Highway 1 for designation as a national scenic parkway..

The County recognizes that even the best planning in time grows outdated and needs to be revised. Efforts to preserve and protect Big Sur's natural resources began in 1970 when the County joined with Santa Cruz County to the north and San Luis Obispo County to the south in the development of the *Tri-County Coastline Study*. This innovative plan preceded the passage of Proposition 20, the Coastal Zone Conservation Act of 1972, and reflected the three counties' deep concern to improve the stewardship of the central coastline. Following passage of the California Coastal Act in the fall of 1976, the County developed a comprehensive work program to guide preparation of the Big Sur Coast Local Coastal Program.

The work program identified issues to be resolved and outlined research and planning tasks. A comprehensive series of background reports prepared by the County summarized available data, studied coastal issues in the context of the California Coastal Act, and recommended County policy changes needed to meet the requirements of the Coastal Act. A great deal of useful information supporting the 1986 LUP was provided in its background reports but could not be included in that document. The 1986 LUP background reports can be consulted concerning the historic justification for policies or for detailed information about Big Sur's natural and human environment at the time they were prepared, but were not to be considered authoritative, and may be outdated for purposes of this LUP.

The County adopted *Protected Waterways Management Plans* for the Little Sur River and Big Sur River in 1983, which should be updated to identify goals, objectives, policies and recommendations for each watershed.

In 1986, the Big Sur Multi-Agency Advisory Council was formed. The Council is collaboration between local, State and Federal governmental agencies and the community of Big Sur to provide open communication and ensure community-based solutions.

Public participation in development of the 1986 LUP was extensive. A Citizen Advisory Committee appointed in 1976 by the Board of Supervisors held numerous meetings to provide direction for the plan and related studies. These meetings were often well attended by residents of the area and the general public. A series of town hall meetings were held in Big Sur at important points in the process to elicit the views of the entire community. Public agency participation included frequent and close working relationships with virtually every agency with an important role on the coast. Numerous presentations by State and Federal agency personnel were made to the community.

This LUP has also been prepared to conform to the purposes and spirit of the California Coastal Act, building upon the foundation of the 1986 LUP. Its policies are intended to help resolve the difficult issues that the Big Sur community faces currently and in the future.

The major features of the 1986 LUP were to:

- Guide all future planning decisions for County and State agencies, and set direction for the U. S. Forest Service in its planning.
- Show the kinds, locations, and intensities of land uses allowed, therefore, serving as a basis of zoning and other implementing actions.
- Present policies concerning land development and environmental protection and management.
- Call for management of Highway One and all other governmental activities on the Big Sur coast.
- Set forth detailed review procedures for all applications based on a permit review process.
- Set forth a system for coordinating the actions of all involved government agencies.
- Provide an environmental resource management database to support the plan and future planning decisions and provide for the periodic updating of this information.
- Identify the urgent need for financial assistance to the County in preserving Big Sur's natural resources and cultural heritage. Funds are specifically needed to protect scenic views and to provide public access.

It is clear from the above list that the 1986 LUP focused primarily on preserving and protecting Big Sur's natural resources. It is intended that this focus continues. In addition, changed conditions, lessons learned and new emphasis that necessitates attention now shift. These include:

- The need to preserve and enhance the Big Sur community and neighborhoods by increasing stock of affordable housing;
- Overcrowding of Highway One due to the pressure of increased tourism;
- Lack of management of public land and access; and
- The need to facilitate the ability of public agencies and private landowners to prepare for wildfire.

Accordingly, this LUP has been updated to extend the focus to also protect Big Sur's unique community. For example, Big Sur employers report it is becoming increasingly difficult for employees to obtain affordable housing in Big Sur to provide visitor-serving services.

This LUP was prepared initially by the LUACs, which held [redacted] public meetings over the course of 5 years with the widest opportunity for public participation consistent with the legislative intent set forth under section 30006 of the Coastal Act. These meetings were often well attended by residents of the area, the County Planning staff and the general public.

## 2. *PHILOSOPHY & OBJECTIVES*

### 2.1 *PHILOSOPHY AND OBJECTIVES*

While working on the 1986 LUP in the early 1980s, the Big Sur Coast Citizens Advisory Committee (CAC) established the basic philosophy and goals upon which that plan was based, which continue to be important to this LUP. The CAC's *Philosophy and Goals for Planning*, have been updated and revised in this plan to acknowledge changed conditions in the area, and are now as follows:

The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike. Man-made improvements should enhance the natural quality of the area if not individually, then collectively.

Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. Any new development should remain within the small-scale, traditional and rural values of the area, rather than to introduce new or conflicting uses.

Land use planning and management policies should be directed towards stewardship of Big Sur's rural and wild character. Without compromising its character or depleting its resources, the area should be accessible to as many as can be accommodated.

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

From such philosophy a vision statement was defined by the CAC for the 1986 LUP.:

"To preserve for posterity the incomparable beauty of the Big Sur country, its special cultural and natural resources, its landforms and seascapes and inspirational vistas. To this end, all development must harmonize with and be subordinate to the wild and natural character of the land."

The County recognizes that the comprehensive preservation ethic expressed by these statements will require special vigilance and determination by all persons, public and private, whose actions affect the future of the Big Sur coast. The County also recognizes that the Big Sur community is an integral part of the area, including an important part of the experience for visitors to the area. To ensure the community's long term viability, the community needs must be considered along with the area's other resources. New and innovative planning tools are needed. Coordination among the numerous governmental agencies with a role on the coast has taken on a new urgency. This LUP makes a number of recommendations requiring actions by both the County and other agencies. These recommendations must be vigorously pursued to make this LUP a success.

## **2.2 PLAN OBJECTIVES**

To accomplish the vision of the LUP, six basic objectives are identified..

### **2.2.1. Natural and Scenic Resources**

The overall direction for the future of the Big Sur coast is based around the theme of preserving the outstanding natural environment. The County's objective is to develop and effectively carry out a constantly improving system for managing man's use of the natural resources of the Big Sur coast for the long-term benefit of both visitors and residents.

The County's basic objective is to take a strong and active role in the stewardship and safeguarding of Big Sur's irreplaceable natural resources. Where there are conflicts, protection of these natural resources is the primary objective with definite precedence over land use development.

Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources and to promote, wherever possible, the restoration of the natural beauty of areas visually degraded by invasive species or poor trail and road design.

The County's basic objective is to prohibit all future public or private development visible from Highway One and the major public viewing areas identified in this plan.

### **2.2.2 Big Sur Community**

Though inhabited for thousands of years by various Native American tribes, Big Sur was largely inaccessible to settlement before Highway One was completed in 1937. The Spanish were the first to attempt to colonize the area in the latter third of the 18th century, but it was more than a hundred years later before homesteaders arrived to settle permanently, and their names now mark the natural features of the land: Post Summit, Pfeiffer Beach, Dani Ridge, Castro Canyon, Partington Ridge, Notley's Landing, Bixby Canyon, Gamboa Point, and so on.

The heritage of these early settlers who braved hardship to raise their families lives on in the spirit of a community that has endured rock and mud slides, road closures, forest fires and attempts to federalize the area, taking control from the hands of local, county and state authorities. This community has a rich culture which has given and continues to give much to the world. Because of its relative isolation and the striking beauty of its surroundings, Big Sur continues to inspire artists, sculptors, writers and poets, singers and songwriters, photographers, woodworkers, and spiritual seekers. The world famous Esalen Institute, which birthed the human potential movement, continues to inspire positive change in human relations. The New Camaldoli Hermitage offers peace and solitude to retreat guests from near and far. And the Henry Miller Library, named after long-time artist, author and Big Sur resident, offers a variety of programs that are open to the local and traveling public.

Those who think of Big Sur as simply a majestic meeting of land and sea, who drive through on vacation or come to run the Big Sur Marathon, may not see or appreciate the resident community which embodies a fierce love of this land and a commitment to its protection as one of the natural and cultural wonders of the world. The Big Sur community is committed to preserving, protecting

and enhancing these natural and cultural resources in perpetuity. The community needs to continue to be here to do that.

### ***2.2.3 Highway One***

Highway One traversing the Big Sur coast is a special road of great local, State, and National significance. It was built by the public primarily for scenic travel and recreational enjoyment and over the years has been managed with this purpose always in mind. In light of the public's great need for recreational opportunities, this original objective has become even more important.

Monterey County's objective is to take a strong and active role in guiding future use and improvement of Highway One and all categories of land use related to and dependent on the highway. The County hopes to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a scenic route. The highway is a two lane road. The CHMP sets forth design and safety standards for the Caltrans on Highway One.

### ***2.2.4 Land Use and Development***

The 1986 LUP's primary land use planning objective was to stabilize development of the Big Sur coast in order to preserve the coast as a scenic rural area where residents' individual lifestyles can flourish, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life. By carefully defining areas important for development and areas important to preserve, the 1986 LUP accomplished this goal.

Changes in zoning density resulting from the 1986 LUP, which increased the minimum allowable parcel sizes for subdivisions from 1 acre to 5 acres for much of the area before the 1986 LUP's certification, to 40 to 320 acres after its certification, dramatically reduced the potential for development in the Big Sur Coastal Planning Area at buildout.

This LUP retains the subdivision densities of the 1986 LUP. However, it also attempts to address such problems as lack of affordable housing in the Planning Area by use of such measures as allowing for construction of accessory residential housing units. Additionally, higher density for employee housing may be appropriate in certain areas of Big Sur.

The intent of this LUP is to retain the County's basic objective that future land use development on the Big Sur coast shall be extremely limited, in keeping with the vision of preserving the Coast as a natural scenic area, while at the same time working to ensure the long-term viability of the Big Sur community. In all cases, it is the intent of this plan that new land uses remain subordinate to the character and grandeur of the Big Sur coast.

### ***2.2.5 Shoreline Access***

The 1986 LUP acknowledged the increasing public demand for access to the Big Sur coast and wishes, in the spirit of the California Coastal Act, to accommodate this legitimate desire. However, in doing so, the County recognizes an ever greater commitment to preservation of the fragile natural environment. The 1986 LUP also recognized that "visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors." This LUP continues that emphasis. Since the 1986 LUP, public

acquisitions have provided adequate physical public access, balancing the desire for access with the need to ensure public safety and to protect the rights of property owners..

Because preservation of the land in its natural state is the highest priority, the County's basic objective is that all future access should subordinate to this priority. 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. Visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors. Visual access to the shoreline should be maintained by directing future development out of the Critical Viewshed.

It is the intention of Monterey County to review both the plan policies and local development at 20-year intervals to determine what, if any, changes in the plan or its implementation may be desirable or necessary.

### ***2.2.6 Wildfire Preparedness***

Since the 1986 LUP was written, wildfires have become a major threat to the well being of the Big Sur coast. Accumulation of vegetation and changing climate puts habitats and species, including critical habitat and threatened and endangered species, at risk of unnatural high-heat-intensity wildfire, and threatens lives and property as well. Changes in policies as set forth in this LUP are intended to allow property owners the ability to more easily and readily perform wildfire fuel mitigation work and better manage overgrowth. Additionally, the implementation of the CWPP will be instrumental in reestablishing fire safety and providing resource protection in the Big Sur Coast Planning Area.

## ***2.3 PLAN APPLICABILITY***

The primary purpose of the LUP is to set forth land use planning for the Big Sur Coastal Planning Area. The supplemental diagrams, goals, and policies contained in the LUP are an expression of the relevant provisions of Chapter 3 of the Coastal Act.

The LUP is a part of the Monterey County Local Coastal Program (MCLCP), which includes Part 1 (General Provisions), Part 2 (North County Land Use Plan), Part 3 (Del Monte Forest Land Use Plan), Part 4 (Carmel Land Use Plan), Part 5 (Big Sur Coast Land Use Plan—this document), and the various implementing regulations that comprise the Coastal Implementation Plan (CIP).

The MCLCP, Part 1 contains general provisions that apply equally across all land use plans, including this LUP, and that document and the CIP must be consulted to understand the totality of plans, designations, goals, policies, and regulation that have force and effect in the Big Sur Coastal Planning Area. This LUP must be consulted to learn where local conditions and consideration require modification of coastal-wide policies when applied in the Big Sur Coastal Planning Area. Where there is a conflict between coastal-wide policies or ordinances, and this LUP and its implementing ordinances, the latter shall control.

The LUP includes five elements, each of which contains diagrams, goals, and policies that govern development in the Big Sur Coastal Planning Area. These five elements are:

- Resource Management (Chapter 3),

- Highway 1 and County Roads (Chapter 4),
- Land Use and Development (Chapter 5),
- Safety (Chapter 6);
- Public Access (Chapter 7); and
- Administration and Implementation (Chapter 8).

Each chapter is structured with a narrative introduction to the issue area, followed by goals and policies for that issue area.

The supplemental goals and policies contained in this plan constitute, along with pertinent section of LCP Part 1 and the Coastal Implementation Plan, the constitution for development in the Big Sur Coast Planning Area and are responsive to the needs, problems, and opportunities that have presented themselves over time. As used in this LUP “may” is permissive in the sense that the activity or development in question is allowed under the LUP, provided all applicable requirements are met. “Shall” is mandatory. “Cumulative,” “cumulatively,” and “cumulative effect” mean the incremental effects of an individual project when reviewed in connection with the effect of past, current, and probable future projects.

## **3. RESOURCE MANAGEMENT**

### **3.1 INTRODUCTION**

The Big Sur coast has a rare heritage of scenic, natural, and cultural resources. The seventy-mile long coastal strip supports a diversity of plant, animal, and marine life found in few areas. The relative inaccessibility of the backcountry and the limited extent of man's activities have helped to protect these resources and to maintain a local culture.

The Big Sur coast is in its infancy in terms of geologic time. This newness -- characterized by extreme ruggedness of terrain and underlying instability -- makes the area susceptible to geologic disturbance. The relatively small seasonal water resources that support the present population of animals, plants and humans dictate that management of the quality and flow of these water resources be an important issue.

As in other areas of high scenic and recreational value, neither natural nor man-made constraints have been sufficient to contain public and private development or recreational demands. At peak summer periods and during holiday weekends, Highway One has approached maximum carrying capacity and many recreational facilities are being overused. Sycamore Canyon Road has long exceeded its maximum carrying capacity and its present condition presents risks to public safety. Some species of plants and animals are already extinct or near extinction, and unique and fragile habitats are increasingly threatened.

There is a need for limits in all areas of private and public development, in order to prevent overuse of resources. Maintenance of the quality of the natural experience along the Big Sur coast has precedence over the 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. All available land use tools should be employed to allow the most appropriate development in accord with the intent of the LUP.

Big Sur is unique and each development project in Big Sur is also typically unique. The policies that follow are intended to guide the use and enjoyment of the coast and to afford an essential degree of protection for the area's natural environment.

All development proposals should be considered by means of site-specific evaluation followed by thoughtful deliberation. Such deliberation may from time to time require that competing goals and policies be balanced against each other to produce a reasonable outcome. The merits of development proposals should be judged favorably if they represent a balanced implementation of the goals and policies of this LUP.

### **3.2 SCENIC RESOURCES**

There is longstanding concern for the protection of the scenic beauty of the Big Sur Coastal Planning Area. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was

designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur Coastal Planning Area. These have included, among other things, careful siting and design, and landscaping control.

In spite of these controls, in some locations increased development has gradually encroached into areas of outstanding beauty. In some cases, this has been caused by poorly sited homes, or structures which have not been designed to blend well enough with their surroundings. In other cases, highly visible roads have been built on scenically sensitive mountainsides to provide trails and roads to campgrounds, new homesites or residential parcels. Public agencies, in particular, have undertaken construction with little sensitivity to the land or to Big Sur's aesthetic values.

The aesthetic and scenic qualities and semi-wilderness character of the coast have received National and even international acclaim. Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast. A major premise of this LUP is that unusual action must now be taken to preserve the coast's scenic beauty and natural appearance. The strong policies set forth in this plan are intended to safeguard this critically important resource. When carried out, the County shall assure the protection of the scenic magnificence of the area and reflect the desire of the people of Monterey County and the Big Sur community to preserve their heritage for present and future generations.

### ***3.2.1 Key Policy***

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources and to promote the restoration of the natural beauty of visually degraded areas. It is the County's policy to prohibit all future public or private development visible in the Critical Viewshed, other than the development exceptions provided in this section, and to condition all new development in areas not visible from Highway One or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this LUP. This applies to all structures, the construction of public and private roads, trails, utilities, lighting, grading and removal or extraction of natural materials. Below provides definitions of key terms used herein:

### ***3.2.2 Definitions***

1. Critical Viewshed: everything within sight of Highway One and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway One to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by Policy 3.8.4.4.
2. Restoration and restore: Address human caused degradation such as erosion, sedimentation and invasive species.
3. Voluntary or voluntarily: Without compulsion or obligation.

4. Encourage: General endorsement, but not necessarily by providing administrative, financial, or other county resources. Encourage does not mean require as a condition of permit approval.

### **3.2.3 Critical Viewshed**

#### **A. Policies**

1. In order to avoid creating further commitment to development within the Critical Viewshed, all new parcels must contain building sites outside the Critical Viewshed.
2. The best available planning techniques shall be used to permit development of parcels partially in the Critical Viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the Critical Viewshed.
3. Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.
4. New roads, public parking, trails, excluding any existing trails designated as the California Coastal Trail, grading or excavations will not be allowed to damage or intrude upon the Critical Viewshed. Such construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gullying, provided a plan is submitted and approved prior to commencing work.
5. Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic Critical Viewshed policy, then the site shall be considered inappropriate for development.
6. The County will participate with other public agencies and private groups to secure adequate funds to purchase Critical Viewshed parcels proposed for development or to secure for use by restricted landowners, other developable land areas to which new development can be transferred. The value of parcels, for purposes of establishing purchase price, shall not be diminished by virtue of their location in the Critical Viewshed or by the policies of this section. Those purchased Critical Viewshed parcels shall be deed restricted in perpetuity to prohibit development by public and private entities, and the deed shall be recorded.
7. The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the Critical Viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure (e.g., color, materials, lighting, existing vegetative planting, etc.). Replacement or enlargement of structures outside the Critical Viewshed shall

be permitted as long as such replacement or enlargement does not cause the structure to intrude into Critical Viewshed.

8. Landowners will be encouraged to grant scenic easements to the County over portions of their land in the Critical Viewshed.
9. The County encourages creative public and private efforts to restore the scenic beauty of visually/impacted areas of the coast in the Critical Viewshed, which are consistent with the goal of promoting the long-term vitality of Big Sur's community, and will assist such efforts where possible.
10. Soil berms and permanent stockpiling along Highway One shall be managed to allow views of the ocean.
11. Where no other feasible mitigation measures for eliminating the adverse visual impacts of new development in the Critical Viewshed are available, the County may institute and utilize a Transfer of Development Credits (TDC) system that will permit development credits for a parcel within the Big Sur Coastal Planning Area determined to be developable except for the Critical Viewshed restrictions. Such credits may be transferred at the owner's option to a receiving parcel not in the Critical Viewshed and otherwise found to be suitable for an increased density of development. The use of transferred credits will be allowed as a conditional use under this LUP. However, the increase in residential density on the receiving parcel shall not exceed twice that which is specified by Section 5.4 of this LUP, except where: a) an environmental impact analysis reveals site suitability for more units; b) traffic impacts will be mitigated through reduction in the number of driveway encroachments onto Highway One; and c) consistent with all other standards listed in this LUP.

Critical Viewshed parcels protected under a TDC system shall be secured through enforceable restrictions (e.g. scenic easement dedication, deed restriction, etc.), subject to County Counsel review and approval of the applicable documents. The Critical Viewshed parcels 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 the restrictions shall not apply to Caltrans projects which are essential to maintain Highway One in its existing use as a rural two-lane road.

***B. Procedures For identifying whether A Proposed Project Would Intrude On The Critical Viewshed.***

1. All development permit applications, and federal consistency determinations, for development in areas that have potential to be in the Critical Viewshed shall require individual onsite investigations to determine whether the proposed development would intrude on the Critical Viewshed. Such proposed development shall be accurately indicated as to dimensions, height, and rooflines by poles with netting; and proposed access roads and trails and other similar developments shall be indicated by stakes with flags; all of which shall remain in place for the duration of the project review and approval process. Such indications of the extent of development shall be recorded photographically with superimposed representation of the proposed project. The standard for review is the objective determination of whether any portion of the proposed development is visible in

the Critical Viewshed. The Critical Viewshed does not include areas visible only from the ocean, beaches (other than those named in the critical viewshed definition) or trails.

2. Visibility in the Critical Viewshed will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. Ocean views from Highway One shall not be obscured by artificial berming/mounding or landscaping. Distant development, although in the technical line of sight, will not be considered visible if sited and designed so as not to be visible in the Critical Viewshed. Exterior light sources shall be prohibited if such light source would be directly visible from the locations designated in Policy 3.2.2.1 above. The Critical Viewshed does not include areas visible only from the hiking trails, including but not limited to the California Coastal Trail.

All new development not in conformance with the approved representations shall be removed.

3. Nonnative Monterey Pines, Cypress, Eucalyptus trees shall not be planted within the Critical Viewshed and shall be allowed to be removed without a permit unless the removal makes structure or structures visible in the Critical Viewshed.

#### **3.2.4 Land Not in the Critical Viewshed**

##### **A. Policies**

1. So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.
2. New applicants, when selecting a building site and other associated development (e.g., access road, etc.), must consider the views and privacy of neighbors. It is preferable that new structures and roads are located where existing topography or trees provide natural screening. They are discouraged from being sited on open hillsides or silhouetted ridges. Sites shall minimize soil disturbance and not leave excavation scars. Structures and access roads shall be designed to address environmental, fire and engineering problems resulting from construction. Alterations of the natural landform should be avoided insofar as feasible.
3. New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.
4. Landscape screening using noninvasive species set in a mosaic pattern shall be encouraged.
5. Sites for new structures shall be selected to minimize the extent of environmental and engineering problems resulting from road construction.
6. New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that

permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners. An exception is allowed where an additional or secondary access road will help provide necessary ingress and egress during an emergency, such as wildfire or flood events.

7. New roads shall avoid steep slopes and shall be located along the margins of forested areas, along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum practical standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials not used as fill shall not be permitted; all materials not used for on-site fill shall be removed from the area. Drainage and erosion control measures must be adequate to prevent harm to resources from erosion and from the introduction of invasive species. Realignment of existing access roads may be allowed if the new alignment would better meet policies of this LUP, and the old alignment is retired and the area restored.

8. Antennas shall be unobtrusive.

***B. Procedures For Applying the General Scenic Resources Policies That Apply Outside the Critical Viewshed.***

All development applications shall require individual on-site investigations. The proposed dimensions of buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads marked by stakes with flags which shall remain in place for the duration of the project review and approval process. The County shall determine whether the proposed development conforms to the policies set forth in Subsection A of this section.

***3.2.5 Exceptions to the Key Policy 3.2.3***

The following sections discuss exceptions that allow development within the Critical Viewshed.

***A. Visitor and Community Servicing Commercial/Commercial Areas Providing Essential Services***

Development within the following Visitor and Community Serving Commercial land use designation, which includes areas in the Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as specific properties such as Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, provide essential services to the community and the visiting public, and shall be permitted under careful design and siting controls as provided by [Policy 5.4.3](#) of this LUP.

***B. Employee Housing Overlay***

Employee housing overlay over the Visitor and Community Serving Commercial land use designation shall be an exception to the Critical Viewshed policies.

***C. Essential Ranching Structures***

Essential new agricultural structures and development required by commercial ranching and agriculture operations that cannot be feasibly located outside the Critical Viewshed shall be permitted under careful design and siting controls. Examples include pastures, barns, fences, windmills, water pumps, water tanks, water storage reservoirs, stockponds and corrals. Replacement of existing structures is allowed. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-Critical Viewshed standards.

***D. Highway 1 Facilities***

1. Public Highway Facilities.

Road capacity, safety and aesthetic improvements shall be allowed, as set forth below, provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of this LUP. Signs, guardrails, and restrooms shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials. Protective barriers constructed by Caltrans utilizing boulders or rock-wall construction are encouraged. Public agency permanent highway signs should be framed with unpainted redwood. All highway signs should be reviewed once every three years by Caltrans to determine the need for their continued use. All unnecessary signs should be removed.

2. Private Highway Improvements.

Private driveway entrances, gates, roadside fences, mailboxes, and signs shall be of a design complementary to the rural setting and character of Big Sur.

***E. Utilities and Lighting***

It is the County's intent that, where practical and where it would be beneficial to improving views, new utilities be installed underground or otherwise obscured by vegetation. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Poles will be placed in the least conspicuous locations. Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be downlite and minimal to reduce as much as possible light pollution. Transmitter towers, cell towers, and power facilities must be well screened or have an aesthetically appropriate appearance within the Critical Viewshed. Water lines or underground conduits should be buried or otherwise obscured by vegetation. Although replacement of existing utilities is acceptable where they are currently configured, utility companies should pursue all opportunities to move all utilities underground where practical and beneficial to improving views.

***F. Public Restrooms and State Park Parking***

Public restrooms are encouraged at the following locations:

1. Soberanes Point - - the barn on the east side of the Highway One.

2. Garrapata State Beach, which may be visible from the State Beach pullout, but shall not be visible to motor vehicle traffic passing on Highway One.
3. The viewpoint near Krenkle Corners/Grey Rock (Mile Marker 37), which may be visible to vehicles passing on Highway One only to the degree necessary.
4. The vista point near the Big Creek area (between Mile Markers 27& 28).

In order to provide for parking and other low intensity support facilities for the State of California system of parks on the Big Sur coast, flexibility in the basic viewshed policy may be permitted to allow use of excavating, berming, and indigenous plant screening at Soberanes Point and Garrapata Beach if no environmentally suitable site is available that meets the Critical Viewshed criteria. Other new parking facilities shall be provided at off-highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean shall not be allowed. This policy shall also apply to new units within the system that may be opened to the public. Parking and support facilities existing at current facilities shall be removed from Highway One whenever the necessary off-highway parking is provided. New off-highway facilities shall be designed, to conform to Critical Viewshed Policy 3.2.4.3 if located in the Critical Viewshed (except for necessary entrance ways, which cannot be hidden from Highway One), and to Policy 3.2.4 if located outside the Critical Viewshed. Existing facilities shall be brought into conformance to the greatest extent possible. Land acquired for Critical Viewshed protection shall not be developed for parking or visitor serving facilities. Parking facilities for Soberanes Point and Garrapata Beach shall be located on the east side of Highway One and be completely out of the view of the Highway One through the use of excavation, indigenous forestation and berming techniques which shall obscure all vehicles and facilities. Restroom facilities shall be located with the parking facilities. For public safety at Soberanes Point and Garrapata Beach, and any new units on the east side of Highway One connecting the parking and beach areas are highly desirable. Parking shall be provided for a maximum of 75 vehicles at these facilities.

***G. Rocky Point Area Vacant Parcels And Otter Cove Area Parcels***

Existing residential parcels in the Critical Viewshed between Highway One and the sea on the Rocky Point and Otter Cove areas shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this LUP and the following standards. Development shall be consistent with the non-Critical Viewshed policies. In addition, the following standards shall apply: the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway One; and prohibiting the night flood lighting or other intrusions in view of Highway One without separate Coastal Development Permit (coastal permit) consideration. Guest houses shall be attached to the main dwelling except where they can be sited to better implement these policies. Rocky Point area parcels are those parcels from (and including) the southernmost existing residential parcel on Rocky Point to Garrapata State Park. Otter Cove area parcels are those parcels north of Garrapata State Park, seaward of Highway One, south of Malpas Creek.

***H. Coastal-dependent Uses Exception***

Coastal-dependent uses, natural resource management needs, resource conservation activities, and certain necessary public facilities as specified below are permitted provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Scenic Resources Policy 3.2.4 and all other policies. The exceptions are limited to:

- a. Removal of non-native trees;
- b. County road improvements in keeping with Policy 3.2.5.C-1;
- c. Minimal public access improvements on the beach along shoreline lateral accessways, such as litter collection facilities and rustic stairways;
- d. On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry;
- e. Improvements to Pacific Valley School;
- f. Addition of Big Sur Volunteer Fire Brigade and Mid Coast Fire Brigade facilities;
- g. The joint U.S. Forest Service-State Parks-Caltrans administrative site in Pfeiffer-Big Sur State Park; and
- h. Communication antennas using best technology to minimize impacts on views.

### ***3.3 HABITAT AREAS***

Habitats, including but not limited to environmentally sensitive areas, in Big Sur are important to preserve and manage. Environmentally sensitive area (or environmentally sensitive habitat area) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In the Big Sur Coastal Planning Area the following meet the definition of environmentally sensitive area unless specifically exempted from the definition: Areas of Special Biological Significance identified by the State Water Resources Control Board;; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, including all tideland portions of the California Sea Otter State Fish and Game Refuge; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; and Monarch butterfly mass overwintering sites. The threatened and endangered species, critical habitats, wetlands and lagoons are all protected under federal and state laws and regulations and require separate regulatory processes and thus, are taken out of the definition of environmentally sensitive area to allow for beneficial management. The California Coastal Act limits uses to those which are dependent on such resources; examples include nature education and research, hunting, fishing, and aquaculture.

The Big Sur coast supports a wealth and diversity of environmentally sensitive habitats perhaps unsurpassed in California. Many of these, especially in the marine environment, are in an essentially undisturbed condition yet are endangered by changes in land use or offshore activities. In addition,

decades of fire suppression activities, coupled with greater wildfire risks brought on by climate change, are presenting previously unrecognized threats to environmentally sensitive habitats.

The topography and vegetation play a major role in affecting fire behavior and shaping fire hazard potential. Over the past century, active suppression of fires has resulted in large contiguous areas of overgrown and over-mature hazardous fire fuel beds with a large concentration of down-dead fuel that contribute to high-cost, suppression-resistant, high heat intensity wildfires, thereby threatening communities, natural vegetation types and wildlife habitat.

Problems associated with vegetation changes that increase the risk of high-intensity wildland fires tend to be especially prevalent at elevations common in mountainous areas of Big Sur. Hydrophobic soil conditions resulting from unnatural high heat intensity wildfires can cause debris flows and mudflows, which have the potential to alter streambed and riverbed conditions and water turbidity. Altered streambed and water quality conditions can in turn result in adverse impacts on species that rely on natural streambed conditions and water quality for survival.

Another great threat to environmentally sensitive habitats is the proliferation of invasive species.

This LUP promotes the continued protection of resources while providing flexibility to avoid conflicts between policies intended to protect resources and beneficial management needed to help protect habitats, species, lives and property.

Some sensitive habitats already enjoy protection under laws guiding local, state, and federal agencies. Some sensitive marine resources are protected by sections of the Fish and Game Code, the Federal Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Federal Endangered Species Act of 1973. Wildlife habitats are protected where they occur in legally designated areas such as the California Sea Otter Refuge, and threatened and endangered plants are singled out for preservation under State and Federal regulation. Many of Big Sur's terrestrial habitats, however, including sensitive plants, dunes, serpentine rock associations, riparian corridors, coastal prairies, and grasslands are without adequate protection.

### **3.3.1 Key Policy**

All practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive areas. The development of all categories of land use, both public and private, should be subordinate to the protection of these critical areas. [EXISTING 1986 LUP LANGUAGE MOVED]

Essential roads are permitted in environmentally sensitive areas provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse impacts will result, and that such uses are in conformance with all other LUP policies. Essential roads are those which are unavoidably necessary to provide a minimum level of access to an existing parcel, where no access road presently exists and no reasonable economic use of the property is possible without such road. Reasonable alternatives are those which would have less impact on sensitive habitats and no impact on the Critical Viewshed; or would provide a more usable route for agricu

### **3.3.2 General Policies**

1. Development, including removal of major vegetation, excavation, grading, filling, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. Wildfire fuel modification work in environmentally sensitive habitat areas is a use that is dependent upon the resource, and such work that is generally consistent with the description of work in the State General Guidelines for Creating Defensible Space is not a significant disruption of habitat values and is beneficial to them.
2. Areas where wildfire fuel modification is recommended by the fire authority having jurisdiction do not meet the definition of ESHA.
3. Threatened and endangered species, critical habitats, wetlands and lagoons protected under federal and state laws and regulations are subject to separate regulatory processes and thus, are taken out of the definition of ESHA.
4. Where private or public development is proposed in documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals or agencies shall be made in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection. In the case where an entire site is known or suspected to be either in or within 100 feet of an environmentally sensitive habitat and development is required to avoid a claim of constitutional taking, field surveys may be limited to a set of recommendations designed to ensure the development has the minimum effect on the environmentally sensitive habitat.
5. The County shall require deed restrictions or dedications of permanent conservation easements in environmentally sensitive habitats when new development is proposed on parcels containing such habitats. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.
6. All development, including major vegetation removal for development purposes (other than the creation of defensible space or other wildfire fuel management) such as excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the environmentally sensitive habitat areas, except where minimal development must be allowed to avoid a claim of constitutional taking. Removal of major vegetation for wildfire fuel management is addressed in Policies \_\_\_\_\_. If development in an environmentally sensitive habitat area must be allowed to avoid an unconstitutional taking, then the development shall:
  - a. Be the least necessary to avoid a taking;
  - b. Avoid impacts to environmentally sensitive areas to the maximum extent feasible;
  - c. Be designed to limit unavoidable impacts to the maximum extent feasible; and
  - d. Mitigate significant adverse impacts to the environmentally sensitive habitat to the maximum extent feasible.

7. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access shall generally be controlled and confined to the designated trails and paths. No access shall be approved which results in significant disruption of the habitat.
8. To protect environmentally sensitive habitats and the high wildlife values associated with large areas of undisturbed habitat, the County shall retain significant and, where possible, continuous areas of undisturbed land in open space use. To this end, parcels of land in sensitive habitat areas shall be kept as large as possible, and if structures are permitted, they shall be clustered in the least environmentally sensitive areas.
9. Land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent significant habitat impacts, and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjoining habitat.
10. New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided.
11. The County shall require the use of appropriate native or non-invasive species in proposed landscaping.

### ***3.3.3 Specific Policies***

#### ***A. Terrestrial Plant and Wildlife Habitats***

1. Uses of sand dune habitats shall be restricted except for scientific and educational activities. Particular attention shall be given to sites of threatened and endangered plants. Recreational access and associated facilities shall be directed away from dune habitats and focused on the beach area. All management agencies shall prohibit off-road vehicle use in dune areas.
2. In serpentine rock associated habitats, land use activities shall be low intensity and designed to ensure protection of habitat values.
3. Development or land use activities shall be sited to protect riparian habitat values. Beneficial management of riparian areas will be encouraged. Development adjacent to stream courses shall be restricted to low intensities and constructed to minimize erosion, runoff, and water pollution. In order to protect riparian habitats, land use development activities will not be permitted that will have the effect of diminishing surface flows in coastal streams to levels that will result in loss of plant or wildlife habitat.

4. Other than water-related facilities (such as waterlines, spring boxes, etc.) that necessitate a lesser setback, for scientific purposes (such as flow meters and other instruments), and for restoration and enhancement-related projects, setbacks of 150' on each side of the streambank shall be required for all streams to protect riparian plant communities unless a narrower corridor can be demonstrated to be sufficient to protect existing vegetation and provide for restoration of previously disturbed vegetation.
5. Access roads shall be sited to avoid significant impacts to riparian corridors, where feasible.
6. Recreational access to environmentally sensitive habitat areas may be restricted when necessary to protect the habitat.
7. Land uses in areas where natural native grassland is found shall be compatible with the maintenance of the habitat. Development shall be sited and designed to avoid disturbance or destruction of native grasslands. Compatible uses include managed grazing and low-intensity recreational and residential uses.
8. Residential development shall be sited and designed to have minimum impacts on redwood trees from soil compaction and other disturbances to tree roots. Beneficial management of redwood forest is encouraged. With similar considerations, recreation should be encouraged as an appropriate use for redwood forests.
9. Commercial harvesting of old growth redwoods or rare or sensitive tree species is generally inappropriate because of their scarcity, uniqueness, and scientific and educational value.
10. Monterey County encourages residents and public agencies to undertake restoration of Big Sur's natural environment by removal of exotic plants such as Scotch and French Broom, Eucalyptus, Kikiyu grass, Vinca, Pampas grass, Gorse, and other non-native invasive species, provided such removal does not increase potential erosion problems. Management plans and protocols shall be developed and implemented by property owners, public and private, to eradicate invasive species.

***B. Marine Habitats***

1. Development on parcels adjacent to intertidal habitat areas should be sited and designed to prevent percolation of septic runoff and deposition of sediment.
2. Alteration of the shoreline including diking, dredging, and filling, shall not be permitted except for work essential for the maintenance of Highway One.

3. Concentration of recreational development or recreational activities near accessible tidepool communities shall not be permitted unless adequate management measures are provided to prevent degradation of the environmentally sensitive habitat environment.
4. Site design techniques intended to screen structures from view of Highway One shall not involve major land modification that may impact adjacent marine habitats.
5. The coastal lagoons and estuaries of the Big Sur coast shall remain undeveloped. Development in the adjacent buffer area shall be limited to the minimum required to support low-intensity recreational, scientific or educational uses, as consistent with **Policy 3.3.2.7** above. The coastal lagoon and estuary buffer area shall, at a minimum, include all areas within 150 feet of the landward extent of hydrophytic vegetation or the average high water mark if no such vegetation exists.

### ***3.4 WATER RESOURCES***

Virtually all of Big Sur's precipitation falls between October and May. Stored in underground aquifers, winter rain alone feeds the creeks and springs of the region. Winter rainfall can vary extremely from year to year, and summer water supplies can be correspondingly plentiful or scarce.

Rainfall in Big Sur is abundant compared to other areas of the County, averaging 43 inches annually at the Pfeiffer State Park gauge from 1914 to the present. King City by contrast averages 11 inches. During El Nino years, mountain peaks such as Mining Ridge recorded nearly 200 inches. In the 1983 El Nino, the Big Sur River gauge recorded regular flows of 1000-2000 cubic feet per second (cfs). During the drought of 1976-77, gauge readings in the Big Sur River fell to less than 10 cfs for months on end..

Water supply in the Big Sur Coastal Planning Area comes largely from the same sources that have been used since the area was first settled, all of which ultimately come from rain. No portion of the area has access to water from any large public or private water project or purveyors.

Numerous streams flow down the western slopes of the Santa Lucia to the Pacific Ocean, the majority relatively small. Most residents on the coast obtain water from springs, wells, or directly from streams. Development of residences, business, agriculture, and public and private recreation and visitor-serving facilities can place excessive demands on the water supplies in some watersheds. Overuse of the water supply could result in degradation of the natural environment with losses of plant, wildlife, and fish habitats. The drought of 1976-77 clarified the need for a conservative and flexible approach to planning. In-home water use is a small part of the overall domestic use for most residents, allowing accommodation for droughts by restricting outdoor water use. Due to Big Sur's overall low population density effectively controlled by large minimum parcel sizes implemented in the 1980s, averaging about one resident per 120 acres, sufficient domestic water for health and safety purposes such as for drinking and sanitation is generally not a concern for the Big Sur Coastal Planning Area.

The protection of water quality through planning that considers stream setbacks, erosion potential, siltation, vegetative maintenance, wildlife, scenic values, and other factors should be a part of all decisions concerning development in the Big Sur Coastal Planning Area.

### ***3.4.1 Key Policy***

The protection and maintenance of Big Sur's water resources is a basic prerequisite for the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decisions. In particular, the County shall ensure that adequate water is retained in the stream system to provide for the maintenance of the natural community of fish, wildlife, and vegetation during the driest expected year

### ***3.4.2 General Policies***

1. The County shall require water conservation and encourage reuse (greywater systems) in order to take less from groundwater, streams, and springs. Rainwater catchment, retention and methods that slow storm runoff shall be encouraged.
2. The County will require adherence to the best watershed planning principles including: stream setbacks, stream flow maintenance, maintenance of safe and good water quality, encouraging fuel reduction work in riparian areas while retaining sufficient natural vegetation coverage along streams as well as careful control of grading to avoid erosion and sedimentation.
3. The County will request technical assistance from appropriate public agencies as often as may be required in order to make sound decisions concerning management and protection of Big Sur's water resources and shall encourage and support development of a Permit Coordination Program that includes participation by all local, state and federal agencies that regulate riparian areas to allow and facilitate beneficial work in riparian areas by contacting only the Natural Resources Conservation Service and Resource Conservation District, including but not limited to wildfire fuel modification work, similar to the program in Santa Cruz County.

### ***3.4.3 Specific Policies***

#### ***A. Water Supply and Use***

1. Applicants for development of residential, commercial, and visitor-serving facilities must demonstrate by appropriate seasonal testing that there will be an adequate water supply for all beneficial uses and be of good quality and quantity (e.g. at least 1/2 gallon per minute per single family dwelling year round) from a surface or groundwater source, or from a community water system under permit from the County.
2. Development of water supplies, or intensification of use of existing supplies from springs, streams, wells, or community water systems shall be regulated by permit from the County in accordance with Coastal Act requirements.

3. Water storage tanks shall not be considered an intensification of water use and shall be encouraged and facilitated. Conjunctive use including water storage to collect water during the winter rainy season, when there is typically an abundance of instream water flows, to be used during the summer dry season when instream flows are at their lowest should be encouraged. Water storage can also be beneficial by helping with suppressing fires.
4. Applicants intending to utilize a water supply from a surface water source not occurring on the parcel to be served, shall obtain any necessary rights or permits to appropriate the water from the State Water Resources Control Board prior to receiving project approval from the County. The State is requested to notify the County of all applications for water rights. The County's policy shall be to protest such applications that conflict with the protection of beneficial uses of water including instream flow requirements. The County shall require appropriative water users applying for development rights to perfect and record their rights to the water to minimize future conflicts. The County also encourages existing riparian users to confirm that their water use is riparian..
5. Residential interbasin transfer of water: Where transfer of water from a watershed to an adjacent receiving watershed would be beneficial for promoting protection of resources in the adjacent watershed without diminishing the viability of the donor watershed, such transfer for development, shall be encouraged.
6. Small public water systems and private water systems supplying more than one parcel shall conform to the relevant sections of the California Health and Safety Code, California Administrative Code, and County Code as administered by the County Health Department, consistent with other policies of this section.
7. All new development shall be designed to conserve water consistent with the Uniform Building Code and Monterey County's standards for water efficient landscaping.

**B. *Rivers and Streams***

1. The effects of all new development proposals or intensification of land use activities or water uses on the natural character and values of the Big Sur coast's rivers and streams will be specifically considered in all land use decisions. Subjects to be addressed in such evaluations include protection of scenic quality, water quantity and quality, wildlife and fish habitat, and recreational values. Land use proposals determined to pose significant impacts to the natural integrity of the stream must be modified accordingly.
2. In general, the high rate stream discharges during the winter should not be interrupted because of their beneficial effects on the stream and its living community and on beach replenishment. However, conjunctive use of water, i.e., storage of water during the winter for use during the summer may be allowed if it avoids impairment of anadromous fish runs and beach sand supply. Any water diversions beyond the ordinary year-round entitlements must be consistent with policy 3.4.3.B.7 and carefully regulated to avoid impairment of beach sand supply and anadromous fish runs, and shall be limited to agricultural irrigation and associated water storage, and developments where the primary function is the improvement of fish and wildlife habitat.

3. Major channelizations, dams, and other substantial alterations of natural streams will be considered generally inappropriate in the Big Sur Coast area. Minor alterations such as replacing existing wet water crossings with bridges and constructing/maintaining/replacing culverts and fords may be considered if: a) they are consistent with the protection of habitats; b) they do not substantially interfere with surface water flows, beach sand supply and anadromous fish runs; and, c) the project incorporates feasible mitigation measures if needed. To address climate change impacts, protection of properties from floods and creation or enhancement of water storage for fire suppression, potable water supplies, and agricultural irrigation are permissible and encouraged.
4. Water Resource Verification: Residential subdivision creating four or more parcels; inn development of more than eight units; recreational vehicle campground; and conversion of land to irrigated commercial agriculture (i.e., cultivating of irrigated crops for sale) of net ten acres or more shall require specific verification that adequate water supplies are available, and that the proposed development will not adversely affect, cumulatively or individually, existing water supplies needed for the maintenance of riparian vegetation and anadromous fisheries, or the supply needed by existing users.

Such verification shall be supported by a report, prepared by a qualified professional hydrologist on the basis of well logs, stratigraphic profiles, and technical data as needed. The County shall consult with appropriate agencies as to the adequacy of the report before allowing the above listed development to move forward; and, if necessary, may at applicant's expense engage the services of an appropriate independent expert to review the report as well. In the case of water withdrawals from streams and springs, water use shall be measured and maximum use levels shall be consistent with in-stream flow requirements.

### ***3.5 FOREST RESOURCES***

Big Sur is rich in forest resources. The California Coast Redwood reaches the southern limit of its range in the forested canyons of the south coast. Many other conifers are present also including large trees such as Ponderosa and Sugar Pine and Douglas Fir. Many species of hardwood trees are found as well. Oaks and madrones often dominate the drier slopes above the moist canyons. Many water-loving hardwoods grow along the streams forming rich riparian zones.

At the same time, the commercial value of the larger conifers found both on public and private lands is significant. While in the past, the limited extent of Big Sur's forests and the difficult terrain discouraged extensive harvesting, the dramatic depletion of more northern forests is escalating the demand for timber, especially old growth redwoods.

In recognition of these forest values, the Los Padres National Forest was established to insure protection and careful management of the resource. Public lands under the U.S. Forest Service's ownership in the Big Sur Coastal Planning Area total about 78,439 acres, about 54% of the Planning Area. Much of the U.S. Forest Service's land is in the wilderness or reserve classification, and tree harvesting is not permitted. The U.S. Forest Service's overall policy for Big Sur is to manage the forest for its scientific, recreational, and aesthetic values and to permit only salvage cutting or harvesting necessary to maintain a healthy stand or to reduce fire hazard.

Regulation of the use of forest resources on private lands is the responsibility of the California Department of Forestry and Fire Protection (CAL FIRE). In the past, the County has not encouraged logging, but has regulated it through a use permit process. To evaluate logging proposals the County has required Environmental Impact Reports to be prepared, and has relied on the CAL FIRE for technical advice. This State agency administers harvests according to the requirements of the Forest Practices Act of 1973 including its special provision for southern forests. The Coastal Commission, as required by the Coastal Act, has designated some of the potential commercial forest area in Big Sur as Special Treatment Areas. These designations provide for specific objectives and guidelines to be carried out by the CAL FIRE, and consequently Monterey County, in administering any commercial timber harvests. The rules are aimed generally at protecting public recreation areas, scenic values, soils, streams and wetlands.

There is growing pressure to preserve Big Sur for its rural community, aesthetic, recreational and scientific purposes and wildlife habitat. The concern that commercial harvesting could be highly destructive to the environment has raised questions as to whether logging should be permitted at all, and if so, under what regulations. These trends require that clear policy be established concerning commercial harvesting, and that careful management be assured.

A related issue is that to preserve woodlands and forests requires acknowledging (1) the role that the policy of suppressing wildfires has played in accumulations of wildfire fuels, and (2) the role that importing non-native tree species has played. The kindling effect of these fuels can have the effect of increasing heat intensity of wildfires to levels that threaten survival of Big Sur's woodlands and forests in the event of a catastrophic wildfire. This LUP attempts to address this problem by allowing and encouraging reduction of hazardous accumulations of fuel to levels that will help ensure survival of the area's woodlands and forests after fires and by allowing non-native trees to be removed unless a structure or structures will be exposed and visible in the Critical Viewshed.

In the years since the 1986 LUP was certified, the Big Sur Coastal Planning Area has been severely affected by Sudden Oak Death (SOD) and pitch canker. SOD has killed a high percentage of the tan oak population (*Notholithocarpus densiflorus*) and also threatens coast live oak (*Quercus agrifolia*), Shreve oak (*Quercus parvula*) and California black oak (*Quercus kelloggii*). A mysterious ailment at first, it has now been identified as the non-native pathogen *Phytophthora ramorum*.

The consequences of this infestation go far beyond the aesthetic. The very nature of our native forests is undergoing a transformation. In recent fires, firefighters have found it more difficult to control fires not only because of the increased fuel load but because of the difficulty of maneuvering around so many downed trees and branches. Fewer redwoods survived fire in areas where the infestations occur possibly because the dead wood burns hotter and longer.

Landowners and neighborhoods that have numerous trees killed by SOD should be encouraged to remove dead standing trees from around their respective structure and along road corridors. In addition, the loss of so many acorn bearing trees has an impact on the wildlife that depends on acorns as a food source.

The Monterey pine forest is currently under threat from the fungal pathogen, pitch canker (*Fusarium circinatum*). CAL FIRE characterizes the threat of pitch canker to all native Monterey

pine stands as “severe.” Initially, it was thought that Monterey pine mortality would be extremely high; yet over time, it has been discovered that at least some trees had resistance to the pathogen. No treatment for infected trees is currently available. Research is ongoing to establish best management practices and potential treatments. The prevalence of this disease is an additional reason to discourage the planting of, and encourage removal of, the non-native Monterey Pine within the Big Sur Coastal Planning Area.

Pitch canker is an incurable fungal disease (*Fusarium circinatum*). It is widespread and most damaging to the many planted Monterey Pine (*Pinus radiata*). It can also affect the following native: Knobcone pine (*Pinus attenuate*), sugar pine (*Pinus lambertiana*), Coulter pine (*Pinus coulteri*), ponderosa pine (*Pinus ponderosa*), as well as Douglas-fir (*Pseudotsuga menziesii*).

### **3.5.1 Key Policy**

The primary use of forested land in Big Sur shall be for recreational and aesthetic enjoyment and for educational, scientific, watershed, and habitat protection activities. Commercial logging of healthy old growth redwood shall be considered an inappropriate use of a nationally significant resource. Limited salvage and selective logging activities will be allowed to maintain the health of the forest.

### **3.5.2 General Policies**

1. The regulations adopted by CAL FIRE for Special Treatment areas generally provide a high level of resource protection and shall be applied to all commercial harvests.
2. All cutting or removal of trees shall be in keeping with the broad resource protection objectives of this plan. Specific policies, criteria, and standards of other sections of this plan shall govern both commercial and non-commercial tree removal.
3. Restoration of native forest resources is encouraged for public agencies and residents as a means of maintaining and enhancing Big Sur's natural character. Removal of non-native tree species is not removal of major vegetation and does not require a permit.
4. Landmark trees of all native species shall be protected in perpetuity as significant features of Big Sur's natural heritage. CAL FIRE, scientists from research institutions, and landowners should cooperate in the protection and enhancement of these resources and their supporting habitat. Landmark native trees shall be defined as exemplary of its species, or more than 100 years old. Only native trees shall be considered landmark trees.
5. Commercial harvesting of commercial timber species as well as oak and madrone will be regulated by permit and must be in conformance with the policies of this LUP carried out in compliance with all applicable State and Federal laws, most notably the Forest Practices Act of 1973 with amendments, the California Environmental Quality Act (CEQA), and the Special Treatment Area Criteria for the Monterey County area adopted by CAL FIRE. Only State licensed timber operators may conduct commercial logging operations.

6. The County will require that applicants for commercial timber harvest permits first file and receive approval from the CAL FIRE for a Timber Harvest Plan (THP). The THP will then be reviewed by the County for environmental impacts and consistency with the policies of this LUP. If environmental documents are required, they shall be certified prior to Planning Commission consideration of the coastal permit. The THP will be required to provide substantive consideration of alternative harvesting systems which have less environmental impact, before tractor yarding is allowed.
7. The County will request advice and guidance from the State Department of Fish and Wildlife, Regional Water Quality Control Board and California Division of Mines and Geology, as appropriate, in reviewing proposed THPs. The County shall engage the services of a Registered Professional Forester to review THPs as needed. This will be at the applicant's expense.
8. In addition to compliance with forestry and soils resources policies, forest management activities, including any associated development, and tree removal shall specifically conform to this LUP's policies regarding water and marine resources, environmentally sensitive habitat areas, and coastal visual resources.

Division of coastal commercial timberlands into units of less than commercial size or their conversion to uses which would preclude the primary uses listed in the **Key Policy 3.5.1** shall not be allowed. Contiguous coastal commercial timberlands of 20 acres or more on any one legal parcel shall not be divided into units of less than 20 acres, unless a binding agreement for the joint management of the timberland resource as a single unit is affected prior to or conditionally upon such land division. This policy does not apply to small-scale milling operations established pursuant to **Policy 3.5.3.8**, or to lands which are permanently precluded from commercial timber harvest for any reason--including the terms of a scenic easement in favor of a public agency or private nonprofit conservation organization. [ALREADY REPEATED IN POLICY 6]10. All commercial timber removal under Monterey County jurisdiction within the Big Sur Coastal Planning Area shall be processed as a County coastal permit item and shall not be exempted from CEQA review..

11. Salvaging of fallen or dead trees to maintain a healthy stand or to reduce fire hazard is allowed.

### ***3.5.3 Specific Policies***

1. Generally, a coastal permit must be obtained for the removal or harvesting of major vegetation. However, each of the following is not removal or harvesting of major vegetation and shall not require a coastal permit: (1) the removal of nonnative trees; (2) the removal of hazardous trees that poses an immediate danger to life as verified in writing by a qualified professional and (3) diseased trees that threaten to spread the disease to nearby forested areas as verified in writing by a qualified professional. The removal of major vegetation for wildfire fuel management is discussed in Policies **\_\_\_\_\_**.
2. Harvests proposed in watersheds which provide domestic water downstream of the proposal shall be limited to removal of no more than 15 percent of the total merchantable timber in any 10-year period.

3. Soil or stream disturbance resulting from commercial timber harvest shall not be allowed between October 15 and April 15. Erosion control programs shall be accomplished and certified by CAL FIRE by September 30 of each year.
4. All salvage or selective logging activities shall take place outside the riparian corridor except the felling of trees. Felling and bucking shall not occur where trees, logs or debris could be deposited in the stream. Where a tree might fall into or across a stream it shall be cabled so that it falls away from the stream.
5. Road construction to accommodate salvage or selective logging shall be kept to an absolute minimum. Applicants shall be required to evaluate the expected sediment yield or runoff associated with each project and the secondary impacts on aquatic and marine resources. Logging roads shall not be developed within the Critical Viewshed. Sidecasting of earth material shall not be permitted during the construction of roads. All excess material shall be removed from the site. Logging roads shall be constructed only with the criteria set forth in Section 5.4.3.K-2.
6. Water quality sampling of suspended sediment and turbidity shall be required for any commercial timber harvest prior to beginning of the operation and during at least one subsequent winter with average or above rainfall when the proposed harvest area contains a stream or well-defined stream channel. Costs of monitoring are to be borne by the applicant.
7. Applicants for THPs or coastal permits shall be required to certify through a qualified biologist that the proposed commercial timber harvesting activity will contribute to the stability and diversity of the forest and will be carried out in a manner that has no significant disruption of environmentally sensitive habitat areas or water resources. Applicants shall further demonstrate through site investigation that proposed commercial timber harvesting does not affect the Critical Viewshed and that the timber harvest shall be permitted only in those areas which can show that the timber can be removed from the area without creating a safety or traffic problem on a public road.
8. A cash deposit, bond or equivalent surety, payable to the County in an amount to be set by the County Board of Supervisors, is required to insure compliance with the State Forest Practices Act and regulations and policies of this LUP. Should the timber operator fail to correct any violation or water quality problem due to the harvest within 15 days following receipt of notification to do so, the County may correct the problem and charge all reasonable costs against the timber operator's surety.
9. Small-scale milling operations shall be permitted as part of logging operations subject to compatibility with resource protection policies and the peace of adjacent land uses.
10. An insurance policy or other sufficient surety to indemnify the County for damages to County roads and appurtenant structures should be required of every timber operator during the life of the THP.

1. 11. Areas where timber is harvested shall be zoned into a district which allows only low intensity recreational uses and emphasizes the highest and best use of the land as being the continued management of water, soil and trees for timber production.

### ***3.6 AGRICULTURE & PRESERVING BIG SUR'S RURAL CHARACTER***

In the past, farming was practiced on a limited scale on the Big Sur coast. The lack of soils suitable for cultivation, limited water supply and other factors do not support large-scale commercial farming. Cultivation of crops can be expected to remain small scale.

Since the 1800's, cattle ranching has been the primary agricultural activity on the coast. Today, commercial ranching takes place on a number of the larger properties and descendants of pioneer families still carry on this traditional use of the land.

In addition to providing cattle for market, ranching has helped maintain the open grasslands characteristic of the scenic landscape. Many of the large meadows found on the coast were created by native grazing animals and have been kept brush free by cattle. The presence of livestock enhances the rural western feeling of Big Sur and adds to visitor's enjoyment of the area.

Increasing costs, high taxes, government restrictions, encroaching residential and public recreational development and other factors make profitable ranching difficult today. Owners of traditional ranching lands are compelled to consider other options for the use of their lands. Yet it is also acknowledged that ranching remains an activity that can produce some return from land that otherwise may have few economic alternatives. It is desirable to perpetuate the ranching lifestyles both as part of Big Sur's heritage and for the public benefit.

The County and other agencies need to work cooperatively to support landowners in conserving grazing lands. Careful land planning for large properties can result in the retention of ranching use while still permitting other uses of the property. Agricultural conservation contracts, initiated by the property owners, can in some instances, help reduce taxes and make profitable ranching more feasible. These and any other means of assisting owners of ranching properties in protecting their land for agricultural use should be encouraged by the County.

#### ***3.6.1 Key Policy***

Agriculture, especially grazing, is a preferred use of coastal lands. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

#### ***3.6.2 General Policies***

1. All contiguous grasslands of 320 acres or more that have traditionally been used for grazing use should be preserved for such use.

2. Uses compatible with the retention of grazing, including hunting and some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to land owners.
3. For publicly-owned land, recreational and other land use development shall not be sited on land previously used for grazing unless an equivalent area of existing public land is converted to new grazing land and is, in fact, used for grazing.
4. Residences and utility buildings and barns associated with agricultural uses shall be located to conserve grazing land.
5. Subdivision of large ranching properties is generally discouraged. The configuration of new parcels created through land divisions shall be designed in such a way to protect existing or potential agricultural activities and grazing resources. In cases where large ranching properties must be divided to accomplish other policies of this LUP, a binding agreement for the continued management of the entire property shall be required. (See Policy 5.4.3.M for related policies).
6. Public accessways shall be designed to avoid conflicts with agricultural use. Where public trails must cross actively grazed areas, a range of measures including signs, fences, berms, vegetation screens, and prescribed burning to eliminate hazardous accumulation of brush, shall be applied, as appropriate, to reduce conflicts to acceptable levels.
7. The County Agricultural Commissioner should continue to assist landowners in developing grazing management plans. Such plans should include rotation schedules, fencing programs, and other techniques to enhance grazing activity.
8. The U.S. Forest Service and the California Department of Parks and Recreation (California State Parks) should lease grazing land to private individuals in order that such areas may continue in traditional agricultural use and as means to reduce fuel loads.
9. Where the California State Parks acquires title to land formerly in grazing use, and where a lag of several years is anticipated before park development plans are implemented, the California State Parks should make every effort to lease the land for the purpose of continuing grazing on the property.
10. CAL FIRE and the U.S. Forest Service should actively participate and assist in developing prescribed burning programs for private and for public lands in order to improve and maintain the grazing resource.
11. Landowners shall be encouraged to establish or expand agricultural operations.
12. The U.S. Forest Service and the California State Parks are encouraged to increase allotments for grazing to eliminate hazardous accumulation of brush and maintain native grassland.
13. The County shall work with the U.S. Forest Service to develop a plan to address invasive species.

## **3.7 HAZARDOUS AREAS**

The Big Sur coast presents an unusually high degree of hazards for both existing residents and new developments. These hazards include geological hazards, flooding hazards, and fire hazards, and each of these hazards is discussed below.

Big Sur is known for self-reliance for addressing natural hazards. Local planning efforts including, but not limited to, the CWPP, CHMP and disaster and evacuation planning, are intended to reduce the vulnerability to the natural hazards. Local organizations, including Big Sur Community Emergency Response Team, Big Sur Volunteer Fire Brigade, Mid-Coast Fire Brigade and Big Sur Health Center, provide disaster preparedness and response to protect lives, property and the environment.

### **3.7.1 Geologic Hazards**

The rugged terrain of the Big Sur coast is in part the result of seismic activity associated with movement of continental plates. The plates intersect at the San Andreas Fault which parallels the coast some 40 miles inland. The series of faults paralleling the San Andreas account for the orientation of the ridges, valleys, and the shoreline. The two principal faults in the Big Sur segment are the San Gregorio-Palo Colorado Fault and the Sur-Nacimiento Fault which are both seismically active. Seismic hazards include ground rupture, shaking, and failure. Seismic sea waves (tsunami) originating elsewhere in the Pacific Ocean are not considered significant hazards on the Big Sur coast.

The western slopes of the Santa Lucia Mountains, reaching an elevation of approximately 5,200 feet at Cone Peak, drop precipitously to the sea. Much of the coast is bounded by sheer cliffs. Great offshore rocks punctuate the dramatic meeting of land and sea. Nearly fifty separate streams flow down the mountains to join the sea.

The primary factors that increase landslide risk are slope and certain soil characteristics. In general, the potential for landslide occurrence intensifies as slope increases on all soil types and across a wide range of geologic formations. Exposed unconsolidated sedimentary layer increases landslide potential wherever these deposits are present on steep slopes. Weathering and wildfires can lead to landslides.

Geologic hazards may also be induced or aggravated by human activities. Construction of roads and building pads can have consequences in terms of erosion or land failure. Extra care is needed both by property owners and the County to insure that new excavation, road building and construction are undertaken only where natural conditions permit, and that such activities when in progress are carried out to the highest engineering standards.

### **3.7.2 Flooding Hazards**

Flood danger is very real in certain areas of Big Sur. The Big Sur and Little Sur Rivers have sizeable flood plains and many other streams on the coast can be hazardous during high water. Structures within known floodplains pose a life hazard to occupants during severe storms. Flood

associated hazards include devastating mud flows (such as the 1972 disaster that wiped out the Post Office and ambulance center), road washouts, and loss of septic tank and leach fields. Flood damage to small water systems or contamination of wells can result from high water, septic system failure, or stream-carried debris. Road washouts isolate some properties and prevent the entry of emergency vehicles. During the El Nino floods of 1995, Highway One was completely washed away in a number of locations in the Big Sur Coastal Planning Area.

### **3.7.3 Fire Hazards**

The entire Big Sur Coastal Planning Area is subject to fire hazard to life, property, vegetation, and wildlife. The hazard varies locally and seasonally due to differences in fuel levels, weather, and topography, yet the risk to life and property remains high due to remoteness from fire stations, difficult access, and water supply problems. Response time from the CAL FIRE Station at Carmel Hill is lengthy due to distance and slow-moving traffic on Highway One where the shortage of turnouts and shoulders makes passing difficult. The volunteer companies at Mid Coast and Big Sur, because of the shorter response time, provide structural fire protection.

While fires can start from natural causes, people pose the greatest danger. Carelessness by residents or visitors during the long dry summers endangers the entire community. The most recent Soberanes Fire is a good example of man-caused wildfire. An illegal campfire is blamed for one death and numerous structures and tens of thousands of acres lost. It is clear fire danger (e.g., illegal fires) will increase as recreational use of the area increases. Recreational use of public areas, in particular, needs to be curtailed or closely supervised during periods of very high fire danger. More emphasis shall be placed on enforcement and public education for wildfire prevention. The siting and construction of new structures likewise needs extreme care to avoid endangering the occupants and the broader community as well.

Since the 1986 LUP was written, there have been three major fires, the Kirk Fire in 1999, the Basin Complex in 2008, and the Soberanes Fire in 2016. The original 1986 LUP contained clear language intended to allow the removal of accumulated vegetation without the need for a coastal permit (see Section 5.4.2.13) to reduce unsafe fuel accumulations. In November 2010, the Monterey Fire Safe Council prepared an advisory document entitled: *Monterey County Community Wildfire Protection Plan (CWPP)*, in collaboration with CAL FIRE, the U. S. Forest Service, the Bureau of Land Management, local fire agencies, property owners, and other stakeholders pursuant to the Healthy Forests Restoration Act. Implementation of the CWPP could be instrumental in reestablishing fire safety and resource protection in Big Sur.

#### **A. Plant Pathogens Contributing to Wildfire Hazards**

One factor to be considered in planning for fire safety in Big Sur involves two plant pathogens known to affect wildlands in Big Sur—SOD and pine pitch canker. Both are discussed in Section 5.4.2.13 of this LUP. SOD was identified as an invasive pathogen in the mid 1990's and has spread throughout coastal counties of California. As identified in the CWPP, large areas of infection are

present along the Big Sur coast and in the neighboring Carmel Valley. Trees affected by SOD may impact wildfire severity as fuel load (Lee, et al. 2009).

SOD and pine pitch canker are exacerbating an already serious problem of excess fuel load in Big Sur's forests. Monterey County recognizes these problems and has a tree removal permit process in place to properly identify and remove diseased trees. For many Big Sur residents, this permit process has become too costly and cumbersome to be an effective tool for fire management.

### ***B. Effects of Climate Change***

Global climate change may lead to more periods of extreme heat and perhaps even more droughts. Impacts in the microclimates of Big Sur is unknown. One primary risk factor for intense chaparral fires is extreme weather.

If climate change results in more periods of extreme heat in Big Sur, it is likely that there would also be a corresponding increase in the number of days of severe fire weather as global warming continues. The end result could very well be a marked increase in the number of wildfires in Big Sur.

### ***C. Summary of Fire Hazard Concerns***

Fire safety management in Big Sur must take into account the following:

- Property owners and residents must have a workable set of rules that promotes fire protection consistent with resource protection goals and policies, without regulatory hinderance;
- Disease that affects oak and pine exacerbates fuel management problems in forest habitats;
- Climate change could lead to more wildfires in Big Sur.

### ***D. Basic Approach to Policy Development***

This natural environment is one that is prone to wildfires. The basic approach to fire safety planning in Big Sur involves the following areas of focus:

- The first focus is the continuation of development regulations (contained in Chapter 2, Land Use, of the LUP) that have the overall effect of limiting development intensities. The second focus is to craft policies that allow maintenance of (1) defensible space and (2) healthy fire resilient woodlands and forests.
- The third focus is to identify refinements to the development review process that provide property owners and residents an improved set of procedures to protect life and property from the effects of wildfire, consistent with resource protection goals and policies.

- The fourth focus is the implementation of the CWPP.
- The fifth focus is the enforcement by the managing agency (e.g., California State Parks, U.S. Forest Service, etc.) of the prohibition of camping and camp fires. The U.S. Forest Service is encouraged to reassess the disbursed camping policy.

#### **3.7.4 Key Policy**

Land use and development shall be carefully regulated through the best practical planning practices in order to minimize risk to life and property and damage to the natural environ

#### **3.7.5 Specific Policies**

##### **A. Geologic Hazards**

1. All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Applications for grading and building permits and applications for subdivisions shall be reviewed for potential impacts to on-site and off-site development arising from geologic and seismic hazards and erosion. Mitigation measures shall be required as necessary.
2. The lands within 1/8 mile of active or potentially active faults shall be treated as a fault zone characterized by high seismic hazards until geotechnical investigations accepted by the County indicate otherwise for either an entire fault zone or for any specific location within any zone.
3. All structures shall be sited a minimum of 50 feet from an identified active or potentially active fault. Greater setback may be required where it is warranted by local geologic conditions.
4. Critical facilities, such as major transportation links, communications and utility lines, and emergency shelter facilities, shall be located, designed, and operated in a manner which maximizes their ability to remain functional after a major earthquake.
5. In those instances where critical facilities are located in or where they cross high hazard areas, all reasonable measures shall be taken to insure continuity or quick restoration of service in the event of earthquake.
6. Structures and roads in areas subject to landsliding are prohibited unless a certified engineering geology report indicates design mitigations to minimize risk to life and property. Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms.
7. Any proposed development within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle from the toe of a cliff, whichever is greater, shall require the preparation of a geologic report prior to consideration of the proposed project. The geological report shall include a cliff retreat study estimating the impact of tidal and wave

action over the next 75 years. The report shall demonstrate that (a) the area is stable for development; and (b) the development will not create a geologic hazard or diminish the stability of the area.

8. New roads shall be constructed in accordance with the criteria set forth in **Section 5.4.3.K-2**.
9. Coastal armoring shall be avoided except to protect existing structures in present danger. To ensure site safety, soils report (and geologic report, if required by the soils report) shall be required for all new land divisions and for major construction of new roads and habitable structures, excluding minor structures not occupied by people, in areas known for geologic hazards. Soils and geologic reports of nearby properties may be, if conditions warrant, considered acceptable to fulfill this policy. Such reports shall be prepared by a soils engineer or registered and certified engineering geologist, as appropriate, acting within their areas of expertise, based upon an on-site evaluation.

**B. *Flood Hazards***

1. The County's primary means of minimizing risk from flood hazards shall be through land use planning and the avoidance of development in flood prone areas. The development of flood control projects to protect new development in the natural floodplain is not considered desirable.
2. All new development, including filling, grading, and construction shall be prohibited within 100year flood plains except as needed for outdoor recreation, wildlife habitat, agriculture, and similar low intensity open space uses, as well as bridges, road crossings using a culvert or ford, water resource developments, and water facilities and systems and components thereof and for scientific purposes (such as flow meters and other instruments) and restoration and enhancement-related projects requiring a streamside location, restoration activities, and flood control projects where no other method for protecting existing structures in the floodplain is feasible and such protection is necessary for public safety or to protect existing development.

**C. *Fire Hazard***

1. Areas where fuel modification is recommended by the Local Fire Authority Having Jurisdiction do not meet the definition of environmentally sensitive habitat area.
2. Monterey County shall promote fuel modification efforts. "Fuel modification" shall mean the arranging of trees, shrubs, and other fuel sources in a way that makes it difficult for fire to transfer from one fuel source to another but shall not mean the cutting down of all trees and shrubs or creating a bare ring of earth across any property.
3. Monterey County shall require for fuel modification the creation and maintenance of defensible space around structures and roads for access. The creation and maintenance of such defensible space shall be consistent with the *General Guidelines for Creating*

*Defensible Space* (14 CCR 1299; Public Resources Code §4291); and the California Coastal Act.

4. For proposed new or substantially remodeled habitable structure, the project applicant or agent shall demonstrate to Local Fire Authority Having Jurisdiction that the project will be consistent with California Board of Forestry's *General Guidelines for Creating Defensible Space*, as part of the project approval. The General Guidelines for Creating Defensible Space is included in Appendix D.
5. Monterey County shall encourage owners of existing structures and roads to act consistent with California Board of Forestry's *General Guidelines for Creating Defensible Space*.
6. A coastal permit must be obtained for the removal or harvesting of trees and other major vegetation. However, in the Big Sur Coastal Planning Area the following will not be considered as removal or harvesting of major vegetation, and shall require no coastal permit:
  - a. Removal of non-native or planted trees, except where this would result in the exposure of structures in the Critical Viewshed.  
  
Non-native trees, regardless of size, include but are not limited to Monterey Pine, Monterey Cypress, and Eucalyptus;
  - b. Removal of hazardous trees that pose a present danger to life or property, or threaten contagion of nearby forested areas, subject to verification by the County or CAL FIRE;
  - c. Thinning of undergrowth and small (less than 14" diameter) or dead trees from densely wooded or forested areas, especially as needed to reduce unsafe fuel accumulations adjacent to existing occupied buildings;
  - d. Prescribed burning, crushing, lopping or other methods of brush clearing which do not materially disturb underlying soils; and
  - e. Selective removal of trees may be allowed where consistent with the Forest Resources policies of this LUP, provided that no impairment of the Critical Viewshed or degradation of environmentally sensitive habitat area will result. Where the removal of trees is part of a stand improvement project or similar long-term management effort, the submission of a Forest Management Plan for the site will be encouraged by the County; approval of such plans pursuant to a coastal permit will obviate the need for multiple permit requests on the same site.
  - f. Fuel reduction work that is consistent with the Board of Forestry's General Guidelines for creating defensible space.
7. The County shall make the reduction of structural ignitability a high priority.

8. The County shall work with fire agency officials and property owners to maintain and enhance publically owned access routes as opportunities for escape and avoidance in the event of a wildfire. For private roads, the County shall allow and facilitate private property owners to maintain and enhance access routes.
9. The County, in collaboration with the Local Fire Authority Having Jurisdiction, shall allow fuelbreaks as staging areas for restorative prescribed fires, and for controlling unplanned ignitions.
10. The County shall implement the recommendations and priorities contained in the CWPP.
11. New development proposals that would not be served by adequate fire protection services, public or private roads, or water for fire suppression should be limited to a low-intensity commensurate with such increased risk.
12. Where feasible, roads serving new residential development shall be adequate to allow access by emergency vehicles while permitting evacuation of the area by residents. Fuel mitigation work along access roads shall be allowed.
13. The County should support and assist the efforts of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.
14. Each development proposal shall be accompanied by a written assessment of adequacy of access. The assessment shall be submitted to fire officials for their review and recommendations.
15. Reduce fire hazards by encouraging and facilitating reduction of hazardous and unhealthy accumulations of wildfire fuel as provided in Policy \_\_\_\_\_.
16. The County shall consider adopting regulations that provide an incentive to obtain approval for fuel management, for protection of lives and private property, when County approval is required, as follows:
  - 1) For existing structures or agricultural uses, develop a simple process to allow a property owner to ministerially conduct fuel management activities, either by right or by a simplified permit process.
  - 2) For proposed structures or agricultural uses, authorize fuel management as a specific component of the approved permit.
  - 3) For communities, provide County technical assistance to develop a holistic fuel management program for the community.

The Board of Supervisors shall consider fee waivers for the above activities to provide further incentive for property owners to utilize the adopted process.

17. Retrofit of existing structures to meet current fire code shall be encouraged by the County. At a minimum, the County shall provide educational materials regarding the benefits of, and requirements for, meeting the structural fire code to private property owners.

18. The County shall encourage California State Parks and the U.S. Forest Service to construct effective fuelbreaks where their property abuts private land.

19. Where a permit must be obtained from the County for work on state or federal land, an effective fuelbreak shall be required.

### ***3.8 MINERAL RESOURCES***

The Big Sur area has a number of sites of historic and potential mineral resources.. Gold mining in the Los Burros District has occurred in the past and may be continued.

Significant conflicts arise in the watershed of the Little Sur River where substantial limestone deposits on Pico Blanco lie partly inside and partly outside the Los Padres National Forest. In 1981 the U.S. Forest Service approved a five-year Plan of Operations, 1981-1986, that allows the owner Granite Rock to commence exploratory operations and the mining company has opened a quarry on the South face of Pico Blanco within the National Forest boundary.

In 1982, in response to a petition by Granite Rock, the California State Mining and Geology Board classified these limestone deposits as a significant mineral resource (MRZ-2 area). The Classification Report estimates they contain 640 million tons of limestone whiting, a non-strategic, industrial chemical mineral. The State Mining and Geology Board has not designated the Pico Blanco deposits as a mineral resource of regional or statewide significance.

Granite Rock also owns two easements across the El Sur Ranch connecting its limestone deposits to the Old Coast Road, one of which—referred to in this LUP as the Dani Ridge access road—has been developed for a haul road, while the other, which cuts across slopes on the north side of the South Fork of the Little Sur River, has not been developed.

In 1973, the California State Legislature recognized the statewide significance of the Little Sur River watershed's "extraordinary scenic, fishery, wildlife, (and) outdoor recreational values" by including it in the California Protected Waterways System and requested the County to prepare a Protected Waterways Management Plan to protect these values and the watershed's "free-flowing and wild status." (Assembly Concurrent Resolution No. 32 - Relative to the Little Sur and Big Sur Rivers, 1973, and 1968 Cal. Stats. Chap. 1278 1.) Pursuant to this legislative request the Board adopted a Protected Waterways Management Plan for the Little Sur River in December 1983 which should be updated to identify goals, objectives, policies and recommendations for each watershed. Through adoption of the Protected Waterways Management Plan for the Little Sur River, the State has recognized the statewide significance of the fish and wildlife habitat of this watershed. Because of the extraordinary value of the natural resources of the Little Sur River watershed, the conflicts arising from mining operations on Pico Blanco and the jurisdictional complexities arising from the location of Pico Blanco limestone deposits partly inside and partly outside a national forest in a California Protected Waterway within the California Coastal Zone, the specific policies of Subsection 3.8.4 are needed to guide the application of State and Federal law and other policies of this LUP.

Limited mining of sand and gravel for local use has taken place in the past from the stream beds of the Big Sur and Little Sur Rivers. The California Department of Fish and Wildlife has reviewed and provided guidance to some of these operations. Also, of considerable concern, is the potential development of the offshore oil and gas deposits.

In addition to these mineral resources there are also limited oil and gas reserves located offshore on the Outer Continental Shelf. Experience with offshore oil development has repeatedly shown the inevitability of serious oil spills or other disasters that result in degradation and destruction of the marine environment including extensive loss of fish and wildlife and damage to local dependent industries. The Big Sur coast is the location of the California Sea Otter Refuge and possesses extensive and undisturbed marine and intertidal habitats for fish, marine mammals, and birds. Additionally, the coast is a scenic recreation area of great reknown. The County is deeply concerned that these wildlife and recreation resources of national significance will be critically jeopardized by exploration and development of off-shore oil and gas reserves and, accordingly, is in strong opposition to any development of these reserves.

The following policies are applicable in any review by the County of development activities, whether on Federal or non-Federal land. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power. All lands owned by public agencies (see Figure 1) and which are subject to Coastal Commission jurisdiction are subject to the land use policies for the Public-Quasi-Public land use designation.

### **3.8.1 Key Policies**

1. Development of mineral resources in the Big Sur coast area must be carefully planned and managed to ensure protection of the area's important scenic, recreational, and habitat values. The County shall evaluate any proposal for an increased level of extraction based upon a thorough balancing of the social, technological, environmental and recreational values long recognized to exist on the Big Sur coast and the economic values of any mineral deposit. In determining the value of a mineral deposit, the costs of reclamation and mitigation of adverse impacts will be considered.
2. The County opposes development of any offshore or onshore oil and gas reserves that could adversely affect the scenic or habitat values of the Big Sur coast.

### **3.8.2 General Policies**

1. All mineral resource development shall be in keeping with the broad resource protection objectives of this LUP. The specific policies, criteria and standards of other sections of this LUP shall govern both onshore and offshore mineral resource development. Mining will not be allowed in environmentally sensitive habitat areas such as riparian corridors, threatened and endangered plant and animal habitat locations, or wetlands. Mining activities and related facilities such as roads, loading or conveyance facilities, shall not be permitted to be constructed in the Critical Viewshed and shall be sited and designed to protect views to and along the ocean and designated scenic coastal zone area.
2. The California Surface Mining and Reclamation Act of 1975 (SMARA) establishes procedures whereby mineral deposits can be classified as significant mineral deposits and designated as having statewide or regional significance. In the event of classification the State Mining and Geology Board publishes a Classification Report containing useful mineral information. The County will recognize in this Plan such information pertaining to mineral deposits on the Big Sur coast and will emphasize the conservation and

development of classified deposits. However, pursuant to SMARA, the County retains responsibility and broad discretion as lead agency to regulate, approve or disapprove all proposed surface mining operations, including those affecting deposits that have been classified as a significant mineral resource or designated as having statewide or regional significance.

3. Alternative methods of mineral extraction which result in minimal environmental impact shall be given substantive consideration before surface mining is allowed. Surface mining will not be considered an acceptable practice where less environmentally damaging techniques are feasible or in streams supporting anadromous fish runs unless it can be demonstrated that no adverse impacts will result.
4. For purposes of this LUP, the term "surface mining" is now used to mean "surface mining operations" as that term is defined by the California Surface Mining and Reclamation Act of 1975, Public Resources Code §2735. The following operations are excluded from this definition: (1) the operations conducted by Caltrans to extract road building materials for local use and (2) prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 500 cubic yards in any one permit area or from any single mineral deposit or contiguous mineral deposits that have been classified as a significant mineral resource by the California Division of Mines pursuant to Public Resources Code §2761(b).

"Mining", as that term is used in this LUP, includes both surface mining and subsurface mining. "Mineral development" is the broad term that encompasses both mining and onshore and offshore exploitation of oil and gas resources.

5. Surface mining operations shall not be allowed in the following areas:
  - a. Surface mining operations shall not be allowed in areas susceptible to landslide, erosion and other hazards such as proximity to earthquake faults, as designated on the Big Sur LCP Hazards Map .
  - b. In order to maintain the long term productivity of soils and timberlands, mining within Forestry Special Treatment Areas or other potential commercial timber lands shall not be permitted except for subsurface workings which would not result in a conversion of timberlands to other uses.

### **3.8.3 Specific Policies**

1. Large-scale mineral development is not an appropriate use in Big Sur. The total amount of proposed surface from any mineral extraction operation or aggregate of operations (including quarry sites, tailings, overburden disposal sites, drilling pads, processing sites, roads) within any watershed shall be the minimum necessary to support the operation. (For the purposes of this policy, a watershed must be considered in its entirety, from the point where it drains into the Pacific Ocean, inland to the limit of the Coastal Zone).
2. All permit applications proposing to conduct mineral exploration or extraction operations shall be required to prepare an EIR, a quarry management plan and reclamation plan, and

must meet the requirements of the Surface Mining and Reclamation Act of 1975. The County will request advice and guidance from the State Department of Fish and Wildlife, Regional Water Quality Control Board, and California Division of Mines and Geology, as appropriate in reviewing proposed quarry management and reclamation plans. The County may engage the services of geologic and biologic experts to review such plans as needed. This will be at the applicant's expense.

3. In addition to the requirements set forth in Monterey County Code Chapter 16.04, the required quarry management plan or reclamation plan, must address at a minimum, all the following elements as a condition of permit approval.
  - a. Cross section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevation and location of test borings or core samplings and depicting all of the following information:
    - (1) The nature and depth of the various strata of overburden.
    - (2) The location of subsurface water, if encountered, and its quality.
    - (3) The nature of the stratum immediately beneath the mineral deposit to be mined.
    - (4) Existing or previous surface mining limits.
    - (5) The location and extent of known workings of any underground mines, including mine openings to the surface.
    - (6) The location of aquifers.
    - (7) The estimated elevation of the water table.
    - (8) The location of spoil, waste, or refuse areas, suitable plant growth material stockpiling areas and, if necessary, stockpiling areas for other suitable strata.
    - (9) The location of all impoundments for waste or erosion control.
    - (10) Any settling or water treatment facility.
    - (11) Constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto.
    - (12) Profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the applicant's proposed reclamation plan.

- b. Procedures to retain soil or eroded material on the site, to prevent the discharge of any water or runoff which would increase the natural level of turbidity in receiving waters, and to control the circulation of particulate matter in the atmosphere. Water quality sampling of suspended sediment and turbidity shall be required for any mining operations prior to the beginning of the operation and during subsequent winters. Costs of monitoring are to be borne by the applicant.
- c. Measures to stabilize slopes and mine tailings such as hydromulching, seeding and other appropriate measures; measures to prevent any increase in normal runoff, especially during peak periods, from the site such as requiring dispersal or storage so that scouring and erosion do not occur.
- d. A soil survey of all the plant growth material within the permit area.
- e. Measures to provide for the restoration of native plant species normally occurring in the mined areas.
- f. Measures to stockpile soil and spoils and provide for recontouring quarry sites to a natural appearance.
- g. Measures to regulate disposal of undesirable pollutants found in conjunction with mined materials (such as heavy metals, mercury, in gold mines).
- h. A phasing plan or other measures adequate to minimize the area of disruption during active mining in order to alleviate such impacts as soil erosion, dust propagation, and viewshed intrusion in areas not covered by General Policy 1. This phasing plan shall include a detailed estimated timetable for the accomplishment of each major step in the reclamation plan.
- i. A transportation element which discusses alternative methods of transporting quarried material. Haul routes and destinations must be specified.
- j. Measures to maintain existing or historic recreational access over the property.
- k. Measures to prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas park and recreation areas.
- l. A determination by the permit applicant of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the County Board of Supervisors of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability and quality.
- m. The use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of

alternative uses and the relationship of such use to existing land use policies and plans, the surface owner's preferred use, and the comments of State and local governments or agencies thereof, which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

- n. A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use.
4. Annual report of activities by permittee. The operator shall annually file on the anniversary date of the permit a notice of intent to continue mining operations and a map or statement that shall indicate:
- a. The land affected during the preceding year;
  - b. The land to be affected during the coming year; and
  - c. Any land reclaimed during the preceding year.
5. Environmental protection performance standards. General performance standards shall be applicable to all surface mining and reclamation operations. In addition to the requirements set forth in Monterey County Code Chapter 16.04, each permittee shall be required at a minimum to comply with the following standards as a condition for permit approval:
- a. Mining trucks shall not be permitted on Highway One during peak recreational use periods (7 a.m. until 10 p.m.).
  - b. Fill activities or improvements related to mining operations shall not be permitted in active flood plains or stream channels.
  - c. Existing or historical recreational access to the shoreline, the Ventana Wilderness area or state parks shall not be prevented by mining operations.
  - d. Unless the County finds that no significant adverse effects on the following specified habitat and recreational features will result, no mining which involves surface blasting, operation of loud equipment, or similar disruptions of natural peacefulness and solitude shall be allowed within close proximity of the following:
    - (1) Any Highway One pullout;
    - (2) The Ventana Wilderness;
    - (3) Public recreation sites such as State parks, trails, campsites, and designated scenic viewpoints;
    - (4) Known Bald Eagle, Golden Eagle and Peregrine Falcon nesting sites.
    - (5) Any California Condor roosting site.

- e. Water quality sampling of suspended sediment and turbidity shall be required for any mining operations prior to the beginning of the operation and during subsequent winters. Costs of monitoring are to be borne by the applicant.
- f. Construction or improvements of private roads required by mining operations shall meet standards described in Section 3.5, 5.4.3.K, and other sections of this plan.
- g. All surface areas, including spoil piles affected by the surface mining and reclamation operation, shall be stabilized and protected to prevent or effectively control erosion and attendant air and water pollution. The operator shall ensure that the construction, maintenance, and postmining conditions of haul roads and access roads into and across the site of operations will effectively control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat.
- h. The mining operator shall ensure that explosives are used only in accordance with existing state law and shall:
  - (1) Provide adequate advance written notice to local governments, adjacent landowners and residents who might be affected by the use of such explosives by the publication of the planned blasting schedule in a newspaper of general circulation in the area by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site, and by providing daily notice to residents in such areas prior to any blasting.
  - (2) Maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts.
  - (3) Limit the type of explosives and detonating equipment, the size, the timing, and the frequency of blasts based upon the physical conditions of the site so as to prevent:
    - a. Injury to persons.
    - b. Damage to and the impairment of the use and enjoyment of public and private property outside the permit area including, but not limited to, California State Parks, the Ventana Wilderness area and public access thereto.
    - c. Change in the course, channel, or availability of ground or surface water outside the permit area.
- i. To minimize visual, scarring, disturbed surface areas shall be restored through use of indigenous vegetation so that no boundary is discernible between mined and unmined areas.

- j. Disturbed land shall be restored to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses approved by the County Board of Supervisors which may include agricultural, residential, recreational facilities or fish and wildlife habitat.
  - k. Lands affected by surface mining operations which have been designated for postmining agricultural purposes or wildlife habitat shall be restored to the level of productivity equal to or greater, under equivalent management practices, than nonmined agricultural lands or wildlife habitat of similar soil types in the surrounding area. For those lands which are to be rehabilitated to indigenous grasslands, a diverse, effective and permanent vegetative cover shall be established of the same seasonal variety indigenous to the area to be affected and capable of self-regeneration, plant succession, and at least equal in extent of cover and productivity to the indigenous vegetation of the area. The level of productivity and cover attained on disturbed lands within the permit area shall be demonstrated by the permittee using comparisons with similar lands in the surrounding area having equivalent historical management practices and that are undisturbed by mining, or comparable disruptive activities.
  - l. Reclamation activities, particularly those relating to control of erosion and prevention of visual scarring, to the extent feasible, shall be conducted simultaneously with mining and in any case shall be initiated promptly after completion or abandonment of mining on those portions of the mine complex that will not be subject to further disturbance by the mining operation. In the absence of an order by the County Board of Supervisors providing a longer period, the plan shall provide that reclamation activities shall be completed not more than 2 years after completion or abandonment of mining on that portion of mine complex.
6. A cash deposit, bond or equivalent surety, payable to the County in an amount to be set by the County Board of Supervisors, is required to ensure compliance with the Surface Mining and Reclamation Act and regulations and policies of this plan. Should the mine operator fail to correct any violation or water quality problem due to the mining operation within 15 days following receipt of notification to do so, the County may correct the problem and charge all reasonable costs against the mine operator's surety.
7. Mining shall not be permitted in live stream channels or in locations where water quality or wildlife could be adversely affected or in sand dunes. In other areas limited extraction of sand and gravel for local construction purposes may be permitted under careful controls designed to:
- a. Regulate instream and near-stream extraction so that maximum mitigation of adverse environmental effects occurs.
  - b. Limit future instream extraction to "safe yield" or annual replenishment levels.
  - c. Preserve soil resources and agricultural lands adjacent to the instream channels.

- d. Maintain and enhance streambank stability while encouraging deposition, rather than erosion of fluvial materials.
- e. Preserve and enhance the growth of riparian vegetation.
- f. Maintain groundwater supplies and quality.
- g. Maintain surface water quality.

The California Department of Fish and Wildlife shall be requested to review all applications for sand and gravel extraction and to provide recommendations to the County concerning protection of wildlife habitat before the County approves the permit application.

- 8. Because of extraordinary risk to the Big Sur coast's special wildlife and recreational values and based on extensive evaluation of the Big Sur coast, no sites have been identified which would be either practical or appropriate for the exploration, extraction, or handling of petroleum or related products either on-shore or off-shore. Therefore, such uses are not provided for in this plan, either on-shore or off-shore in the area under the jurisdiction of the State of California and Monterey County. This prohibition is especially designated to protect the California Sea Otter State Fish and Game Refuge, the most sensitive watersheds listed in Section 3.2.3 Rivers and Streams Policy 3, or any watershed which empties into the Ventana Wilderness, a designated Area of Special Biological Significance, a State Protected Waterway, State Fish and Game Refuge, or onto a public beach or other public shoreline recreation area.
- 9. In the event an oil spill occurs on the Big Sur coast the responsible entities shall secure a permit from the County Board of Supervisors to determine appropriate measures to restore the damaged area to its condition prior to the spill. Any such permit shall be applied for within 3 calendar days of the spill's impact on the Big Sur coast. Any actions taken immediately following the spill to limit or clean up the spill shall be evaluated as to their appropriateness and may be modified as conditions of the subsequent permit.
- 10. The County asserts its jurisdiction over mining operations on Federal lands within or adjacent to the Coastal Zone to the full extent allowed by law. This includes the County's permit jurisdiction pursuant to its Surface Mining and Reclamation Ordinance and the California Surface Mining and Reclamation Act of 1975 and its coastal permit jurisdiction pursuant to the California Coastal Act and the Federal Coastal Zone Management Act of 1972.

The County shall establish mechanisms for consultation and comment upon mining operations on federal lands. These mechanisms may include formal and informal review, cooperative planning with Federal agencies, development of memoranda of understanding, joint preparation of environmental impact statements or assessments, coordination through State agencies such as the Office of Planning and Research, and the like. These measures will be in addition to any coastal permit requirements which may apply in any individual case.

11. To assure protection of habitat and recreational values on adjacent lands, the County shall consult with the affected public land management agency prior to approval of any mining activity on any parcel adjacent to National Forest, California State Park, or University of California Land and Water Reserve lands and their respective access roads or trails.

#### ***3.8.4 The Little Sur River Watershed and Pico Blanco Limestone Deposits***

1. The upper watershed of the Little Sur River is classified as a natural waterway in accordance with the analysis stated in the Protected Waterways Management Plan for the Little Sur River.
2. No new road may be developed nor may the capacity of any existing road be expanded in the upper watershed of the Little Sur River unless its dominant purpose is to serve priority uses for the Little Sur River watershed as determined by this LUP (Policy 5.4.2.3) and unless it conforms to all resource protection policies of this LUP. This restriction is based in part on: (1) the prohibition on large scale surface mining any place on the Big Sur coast (Policy 3.8.3.1); (2) the policy "to retain significant and, where possible, continuous areas of undisturbed land in open space use" in order to protect environmentally sensitive habitat areas and wildlife values (Policy 3.3.2.6); (3) the determination by the U.S. Forest Service that the existing Dani Ridge Road provides sufficient access across the U.S. Forest Service lands for Granite Rock's present mining operations (U.S. Forest Service, Environmental Assessment Report on approval of Granite Rock's Operating Plan, 1981, p. 1), (4) the determination that the upper watershed of the Little Sur River is a natural waterway (Policy 3.8.4.1) and (5) the conclusion in the that it is extremely unlikely that a new road could be built in the upper watershed without causing severe damage to aesthetic, ecological and recreational resources..
3. Because the North and South Forks of the Little Sur River are steelhead spawning habitat and because they support old growth redwoods and other riparian vegetation that would be harmed by siltation , no new roads or expansion of existing roads shall be allowed that would cause siltation to enter either riparian corridor or the waters of either stream fork.
4. Because of the extraordinary scenic views of Pico Blanco from the Old Coast Road views of Pico Blanco from the Old Coast Road are included in the "Critical Viewshed" as that term is used in Policies 3.2.1 and 3.2.2 of this LUP. For the purpose of this LUP, Pico Blanco is defined as that land form bounded on the South by the South Fork of the Little Sur River, on the North by the North Fork of the Little Sur River and on the East by the Ventana Wilderness area. All other views from the Old Coast Road shall be excluded from the Critical Viewshed except those views visible from Highway One.
5. With respect to any proposed development within the upper watershed of the Little Sur River, the applicant must demonstrate as a condition for permit approval that the proposed development, including the use of explosives will not affect adversely the following resources and their resource value:
  - critical habitat for raptors (golden eagles and prairie falcons) including both nesting and foraging habitat

- mountain lion habitat
- riparian vegetation (PWMP, p. 37)
- water quality and Steelhead trout habitat
- peregrine falcon

These specific environmental standards apply to the upper watershed of the Little Sur River in addition to the standards set out in Policy 3.8.3.5 that apply throughout the Big Sur Coastal Planning Area.

6. Existing mining operations on Pico Blanco on federal mining claims within the Los Padres National Forest are deemed to constitute a first phase of operations that must be reclaimed in accordance with the standards set out in Policy 3.8.3.5 before any expansion of mining operations related to the Pico Blanco limestone deposits may be approved. For purpose of this policy, "Pico Blanco limestone deposits" refers to those deposits that were classified as MRZ-2 or MRZ-3 areas by the California State Mining and Geology Board in 1982. "Additional surface disturbances" as used in this policy includes disturbances affecting the Pico Blanco limestone deposits resulting from both expanded operations that are contiguous to areas that have already been disturbed (e.g., the existing quarry site, access and exploratory roads or disposal site) and those that are not contiguous to such presently disturbed areas.

### ***3.9 DREDGING, FILLING, AND SHORELINE STRUCTURES***

The natural shorelines processes on the Big Sur coast have been rarely affected by man's interference. The dredging, filling, and diking of coastal waters and wetlands have not occurred in the Big Sur Coastal Planning Area to any appreciable extent. Activities within this general category will be limited in the future to occasional instances where a temporary dike would be required in conjunction with construction or maintenance activities on Highway One or its numerous bridges. Cliff retaining walls also may be needed in limited places where cliff retreat may endanger the roadway. Ports and transport facilities are not to be located on the Big Sur coast and are considered inappropriate to the area. However, this prohibition shall not pertain to fishing.

#### ***3.9.1 Key Policy***

1. Shoreline armoring for new construction shall be prohibited; therefore, blufftop setbacks shall be adequate to avoid the need for seawalls during the development's economic lifespan (i.e., 75 years).
2. Boating facilities requiring onshore structures are not appropriate on the Big Sur coast. If a harbor of refuge is required, it should be designed so as not to require onshore structures.
3. Where dredging or temporary dikes are required for essential work or maintenance of Highway One, they should avoid disruption of marine and wildlife habitats and should restore the site to its original condition as early as practical. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches.

4. Permits issued by the State Lands Commission for projects on State tidelands shall conform to the policies of the LUP..

### ***3.10 HISTORICAL RESOURCES***

Monterey County's historical heritage is rich and diverse. Prime examples of historic sites survive from each of the major periods of California's history. Settlement of the Big Sur coast included Native American and Spanish, followed by the Mexican Government in the late 18th century through the bestowal of two land grants -- the 8,949 acres Rancho El Sur, between the Little Sur River and what is now called Cooper Point, and Rancho San Jose y Sur Chiquito, an 8,876-acre grant, bounded on the north by the Carmel River and on the south by the Palo Colorado Canyon.

The 1862 Homestead Act made unappropriated public lands in California available to settlers in parcels of 160 acres. Big Sur was initially settled by a number of homesteaders whose names are now borne by well-known topographic and natural features in Big Sur (e.g., the Pfeiffer's, Charlie Bixby, Jim Anderson).

The development of the tan bark industry in the mid-1870's led to the construction of several landings along the Big Sur coast. These landings were used not only for loading the bark, used in the manufacture of tannic acid, but also for shipping prime redwood lumber. Among them was Godfrey Notley's Landing, near the mouth of the Palo Colorado Canyon, around which a thriving village sprang up. Jim Anderson also had a landing, and there was another at the mouth of the Big Sur River. Perhaps the most spectacular was Partington Landing. The Rockland Cement Company chose Limekiln Canyon as its headquarters in the 1880's in order to exploit a rich deposit of calcareous rock discovered in the vicinity of the canyon. Schooners began to regularly frequent Rockland Landing to load limestone bricks and deliver supplies. With the demise of the liming operation, the days of industrial enterprise along the Big Sur coast came to an abrupt halt.

The discovery of gold near the head of Alder Creek led to the Big Sur Gold Rush of the 1880's. The Los Burros Mining District sprang into being with three stamp mills, and a boomtown named Manchester mushroomed on Alder Creek. In its heyday, Manchester boasted four stores, a restaurant, five saloons, a dance hall, and a hotel. By 1895, the boom had begun to fade.

As the 19th century drew to a close, more settlers came to live on the south coast. The two sons of one of the original homesteaders, Bill Post, each homesteaded 160 acres, while various relatives acquired tracts totaling another 640 acres. Their land stretched as far south as the site of the present-day Nepenthe Restaurant. The ranch house still stands on Highway One at the top of what is now called "Post Grade." Big Sur's original post office and its second schoolhouse were built on the Post Ranch.

The 20th century saw the emergence of recreation-oriented commercial development along the Big Sur coast. For decades, the Big Sur country had been attracting hunters and fishermen. The start of the resort business began with the Pfeiffer Ranch resort which catered to these sportsmen. The Hotel Idlewild, located on the banks of the Little Sur River, soon rivaled the Pfeiffer Ranch for its business.

The one deterrent to the development of the south coast as a mecca for tourists as well as sportsmen, was the hazardous road that had to be closed part of the year. The concept of a year-round scenic highway originated with Dr. John Roberts, the founder of the City of Seaside.

Many of the original settlers were enraged by the devastation resulting from the highway construction. Machinery blasted through the great cliffs, scarring granite promontories and defiling canyons and waterfalls with debris. On June 27, 1937, the highway was completed at a cost of approximately \$8,000,000. A way of life had ended, and a new era began for the beautiful country.

The process of ensuring the long-term protection of Big Sur's unique coastline was initiated by John Pfeiffer in 1934 when he sold 706 acres to the State for the nucleus of the 822-acre Pfeiffer Big Sur State Park. The Lathrop Browns, who purchased Saddle Rock Ranch, later donated the 1,700 acres which now constitutes Julia Pfeiffer Burns State Park. The 21-acre John Little State Park originally part of the State property sold to Milton Little, was donated by Elizabeth Livermore. Frances Molera, granddaughter of Juan Bautista Roger Cooper, placed 2,000 acres in trust for Andrew Molera State Park. The generosity of these pioneering families has been a lasting contribution to the preservation of Big Sur and the people of Monterey County and the State. It should be noted that over time, the publicly-owned lands have become among the most intensely used and developed lands in Big Sur.

### ***3.10.1 Key Policy***

It is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions.

### ***3.10.2 General Policies***

1. New development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County.
2. The County shall provide for the mitigation of site and artifact disturbance in County-approved projects through the careful surveying of project sites and the consideration of project alternatives to preserve significant cultural resources.
3. The County shall maintain an identification survey and inventory program of historical sites and shall maintain a registry program to protect and preserve historical land-mark sites and districts.
4. Designated historical sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties.

## ***3.11 ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES***

The Big Sur Coastal Planning Area is considered to be one of the most significant archaeological regions in California. At the time of Spanish contact, this area was occupied by three distinct

aboriginal tribal groups -- the Esselens, Costanoans, and Salinans. Investigations of the immediate coastline of Monterey County have revealed a very high density of shell middens. Areas adjacent to the immediate coast are not as well-known although they are thought to contain a high density of cultural sites. A number of these inland sites likely have significant archaeological value such as those identified in the vicinity of the Post Ranch (near Big Sur River), Big Sur Valley, and Pacific Valley.

Several Esselen, Coastanoan, and Salinan sites in the Big Sur Coastal Planning Area have religious value to local Native Americans. These include Junipero Serra Peak and Slates Hot Springs at Esalen Institute. Numerous pictograph sites discovered on the Big Sur coast may also have religious significance.

Currently known sites are mapped and on file with the California Archaeological Site Survey District at Cabrillo College in Aptos, California. To protect the sites, these maps are confidential. However, the Monterey County Planning Department maintains contact with the Cabrillo College on all development projects affecting archaeologically sensitive areas.

At the present time, unrestricted public access is the principal source of destruction or damage to archaeological sites. In 1973, the California State Archaeological Task Force estimated that 50 percent of all recorded sites and 79 percent of all known sites in Monterey County had been destroyed. Threats posed by public access are related to vandalism, the development of recreational sites (e.g., campgrounds, trailer parks) near archaeological sites, and the development of public roads and trails which inadvertently provide access to areas of archaeological significance.

### ***3.11.1 Key Policy***

Big Sur's archaeological and tribal cultural resources, including those areas considered to be archaeologically and culturally sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. The term "archeological resources" includes historical and paleontological resources. New land uses and development, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological and tribal cultural resources.

### ***3.11.2 General Policies***

1. All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant archaeological, and other classes of cultural sites.
2. When developments are proposed for parcels where archaeological, tribal cultural, or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential cultural significance.

3. Because of the Coastal Zone's known abundance of archaeological, tribal culture, and cultural sites and the requirements of State law, whenever development that will involve ground disturbance is to occur in areas having a probability of containing archaeological and/or tribal cultural sites, the County shall require the preparation of an archaeological survey.
4. In addition to requiring an archaeological report in specified circumstances, the County shall conduct a consultation with appropriate California Native American tribe or tribes for all projects that are subject to, and not statutorily exempt from, the CEQA.
5. When sufficient planning flexibility does not permit avoiding construction on archaeological or tribal cultural sites that will significantly damage the resources, adequate preservation measures, including purchase of archaeological easements, tax relief, purchase of development rights, etc., shall be considered. Mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
6. Off-road recreational vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.

## ***4. HIGHWAY ONE AND COUNTY ROADS***

### ***4.1 INTRODUCTION***

Designated in 1965 as the first State Scenic Highway in California, Highway One along the Big Sur coast is the basic access route to the area. It traverses the length of Big Sur connecting two other major recreational areas, the Monterey Peninsula and the Hearst Castle at San Simeon in San Luis Obispo County. The Nacimiento-Fergusson Road, a lightly-used County road crossing the Hunter-Liggett Military Reservation and the coastal range, provides the only other access route to the seventy-mile long Big Sur coast from inland areas.

The major population centers of California, the San Francisco Bay Area, the Los Angeles Area, and the large cities of the Central Valley, are less than a day's drive from Big Sur. The Monterey Peninsula, Salinas, Santa Cruz, and San Luis Obispo are one to two hours away. The accessibility of Big Sur to these centers has a major impact on the demand to visit Big Sur and the resulting traffic congestion on Highway One. Visitors from other states and foreign countries who are attracted to Big Sur's scenic beauty also contribute significant amounts of traffic along Highway One. At present, an estimated 2.9 million people visit the Big Sur coast annually and demand is predicted to double over the next 20 to 25 years.

The traffic on Highway One is predominantly recreation oriented. Recreational traffic is estimated to comprise 95% of all trips during the peak summer months. The remaining 5% consists of residential traffic and a small volume of commercial and agricultural traffic. Driving for pleasure constitutes the major proportion of recreational traffic along the Big Sur coast that originates from outside the area. It accounts for about 70% of the recreational traffic volume during the peak summer months. Internal local trips within Big Sur consist of about 65% recreational trips and 35% residential trips during a summer month. During this same peak period, passenger cars are estimated to account for about 91% of the traffic on the highway north of Big Sur Valley; trucks account for 2%; buses, campers, motor homes, and vehicles with trailers make up about 5% of the traffic; and motorcycles account for 2% of total traffic.

Highway One is not be able to accommodate anticipated demands by traffic during peak use periods due to continued increase in recreational use.. At present, Highway One north of the Big Sur Valley is able to handle average annual daily traffic volumes of 4,500 vehicles at Caltrans Level of Service D. Level of Service E is attained during summer peak use periods when traffic reaches 8,300 vehicles per day. South of the Big Sur Valley, conditions are similar. Average annual daily traffic reaches 2,600 vehicles per day corresponding to Service Level D. Peak use volumes reach 4,700 vehicles per day producing Service Level E conditions. Activities or development that could generate significant volumes of truck traffic such as potential logging, mining, or other commercial operations could have detrimental effects on traffic conditions and could reduce the vehicle capacity of the highway.

Public transit to and through Big Sur is available only on a very limited basis by buses operating along Highway One. Public bus service from downtown Monterey to Nepenthe south of the Big Sur Valley is provided by Monterey Salinas Transit during the summer. Private tour buses operate along Highway One on a charter basis, transporting groups of visitors to various places in Big Sur and to Hearst Castle in San Luis Obispo County. Scheduling of bus service in the past has not fully met resident needs nor offered

visitors adequate flexibility in travel times. Bus service needs to be expanded in order to become a viable transportation alternative. Increases in ridership and increased subsidies are necessary to expand service and meet the differing transit needs of both residents and visitors.

Bicycling along Highway One, with its narrow lanes, blind curves, and heavy traffic, is hazardous for cyclists. Increased bicycle traffic along Highway One, particularly in the northbound direction, is causing a safety hazard. In order to improve safety, CalTrans is urged to create a paved and lined bicycle lane. Bicyclists on cross-country trips or day tours use the highway in increasing numbers. Improvements to accommodate bicyclists will increase Highway One carrying capacity for motorists, and would provide increased safety for bicyclists and motorists.

The very characteristics that make Highway One such an interesting driving experience also create traffic safety problems, particularly during congested periods. Slow-moving vehicles, drivers distracted while looking at the views, numerous access points to the highway from private roads or recreational areas, roadside parking, and unpaved turnouts cause traffic to slow down, effectively reducing the traffic capacity of the highway and limiting access to Big Sur. Improvements consistent with the character of the two-lane scenic highway are desirable to increase its safety and traffic capacity.

Local roads in Big Sur are private except for a few County roads and access roads to public trailheads and recreation areas. Palo Colorado Road carries both residential and recreational traffic and has the highest use of any road intersecting Highway One. It has inadequate capacity to meet significantly increased recreational and residential traffic demands. Considerable volumes of traffic turning onto or off of Highway One in the Big Sur Valley occur at entrances to campgrounds, shop parking areas, and Pfeiffer-Big Sur State Park. Sycamore Canyon Road, a private one-lane road over which the U. S. Forest Service holds easements for public access to Pfeiffer Beach, is carrying traffic during peak use periods that exceeds its safe capacity. This is leading to conflicts between recreational and residential traffic.

A primary transportation objective of the Coastal Act is to maintain Highway One in rural areas as a scenic two-lane road and to reserve most remaining capacity for the priority uses of the Act. The limited capacity of Highway One to accommodate local and recreation traffic at a level that reserves reasonable service and emergency use and also allows motorists to enjoy the beauty of Big Sur's scenic coast is a major concern. Because traffic volumes along sections of Highway One are at capacity during peak recreational use periods and because future demand for recreational access is expected to exceed the capacity of the highway, the capacity of the highway is a major constraint on the long range development of the coast. How the road capacity can be increased without damage to the intrinsic values of Big Sur and how capacity is allocated between visitor and local use was a major challenge at the time the 1986 LUP was under development. This problem has been addressed with respect to residential traffic by the substantial downzoning implemented with the 1986 LUP, which severely limits the number of new parcels that can be created by subdivision in the Big Sur Coastal Planning Area. That downzoning is effectively carried forward in this LUP. What has not been addressed and continues to be a significant problem is the increased number of visitors adversely impacting Highway One, its capacity and visitors' experience.

A closely related issue is what can be done to effectively manage use levels of the highway between Carmel and Cambria, particularly as needed to protect the priority uses of the Coastal Act. This appears necessary to insure that acceptable service levels are preserved so that the highway can meet its essential functions as the sole transportation and emergency route up and down the coast, and as a safe, pleasurable scenic and recreational travel facility.

Studies supporting the 1986 LUP reached several important conclusions concerning future planning and management of Highway One. One conclusion is that because the vast majority of traffic on the highway during congested peak use periods is recreational driving originating outside of Big Sur, efforts to reduce highway congestion by limiting land use development within Big Sur itself can have only marginal effects. If necessary, significant decreases in peak period traffic congestion will only be achieved through a public information system or physical regulation of the highway including limitations to visitor access at its north and south ends.

A second important conclusion is that management of Highway One should attempt to optimize rather than maximize visitor use levels on the highway in relation to other user needs and planning objectives for the coast. As an objective, the maintenance of an acceptable minimum level of service and corresponding maximum traffic volume standard for Highway One traffic must satisfy several criteria. A reasonable level of traffic volume must be accommodated that reflects current recreational and residential use patterns, future demand for access to Big Sur, property rights of landowners, and resource protection goals aimed at preserving the natural character and beauty of Big Sur.

The encouragement of land uses that help redistribute traffic volumes to non-peak periods is a desirable approach to reducing traffic congestion on the highway. A focus on creating a live-work environment by providing affordable housing within the Big Sur Coastal Planning Area could help reduce the need for those who are employed in Big Sur but live outside the area to drive Highway One during commute periods. Development and management policies that encourage a more even distribution of traffic flow would result in an overall increase in access to Big Sur and place fewer constraints on the amount of recreational and residential development that could be approved.

Finally, studies for the 1986 LUP showed that the aesthetic qualities of Highway One were eroding. This was the result of both private and public development in the scenic viewshed, and visitor overuse within the highway right-of-way itself. Gradually, many informal, unsurfaced pullouts had developed along the highway, inviting illegal trespass and vandalism of private properties. The level of careless public use is resulting in a serious problem. Non-native and invasive plants are spreading along the highway to the detriment of the scenic beauty. Some of these problems were largely addressed by the 1986 LUP, and those solutions are effectively being carried forward in this LUP. The Critical Viewshed policy limiting new development along Highway One is carried forward. The CHMP has also helped with the way Caltrans manages its maintenance activities, helping avoid visual degradation that had occurred in the past. Nevertheless, some problems remain, which this LUP attempts to address. In keeping with the stature of Highway One as the preeminent scenic drive on the California coast, considerably greater attention and funds need to be allocated to its maintenance in order to preserve and enhance its aesthetic qualities.

#### ***4.1.1. Key Policy***

Monterey County will continue to take a strong and active role in guiding the use and improvement of Highway One and land use development along the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road and shall accommodate walking and bicycling thereby increasing capacity for motor vehicle traffic, which is the primary use of Highway 1. In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic patterns should be modified using public information systems, and if necessary and feasible, regulated during congested peak use periods.

#### ***4.1.2. General Policies***

1. Improvements to Highway One shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road.

The highway capacity improvements detailed in the following policies are essential for the maintenance of existing service levels for the benefit of Coastal Act priority uses and residents alike. In light of the potential for traffic increases on Highway One, the County shall periodically review the traffic levels and determine what capacity improvements have been implemented or planned and what additional solutions may be necessary and feasible.

2. A principal objective of management, maintenance, and construction activities within the Highway One right-of-way shall be to maintain the highest possible standard of visual beauty and interest.
3. To protect emergency use of the highway, and maintain and enhance the quality and enjoyment of the scenic driving experience for visitors and residents, should levels of service on Highway One become unacceptable, reductions in peak use period traffic should be sought. A combination of actions, including public education and regulation of Highway One use during peak periods, shall be undertaken to achieve an improved service level.
4. To conform to the Coastal Act, most remaining capacity on Highway One shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses.
5. In order to enhance public access to the Big Sur coast, an improved level of public bus service is encouraged. Monterey Salinas Transit, other public carriers, and private and public recreational facilities are requested to investigate potential improvement of levels of services, and participate in reaching this objective if feasible and justified.

#### ***4.1.3. Specific Policies***

##### ***A. Road Capacity and Safety Improvements***

1. The County requests that, in order to maximize vehicular access to the Big Sur coast the width of Highway One be upgraded to a standard of 12-foot lanes and 2 - 4-foot shoulders (for the benefit of bicyclists and pedestrians) where physically practical and consistent with the preservation of other coastal resources values. The highest priority shall be given to this improvement for the safety of pedestrians, bicyclists and motorists, particularly focusing on the south bound lane. A program of constructing left-turn lanes, and other improvements shall be undertaken to improve traffic capacity and safety.
2. The County requests that appropriate areas along Highway One be designated by Caltrans for construction of paved by-pass lanes and turnouts for slow-moving vehicles. The turnoffs should be signed to notify approaching vehicles in time to pull over. The California Slow-Moving Vehicle Law, California Code Section 21665, should be enforced during peak traffic periods. This may require additional staffing by the California Highway Patrol, however, the additional benefits to the

vast majority of users of Highway One would appear to justify the expense. CalTrans shall post signs informing the public that delaying five or more vehicles is illegal.

3. On-shoulder parking at unsafe locations shall be corrected where feasible, with priority being given to locations where there is a documented safety problem. New facilities, both publicly-owned and commercial, must have adequate and safe off-shoulder parking before they are opened to public use. Existing facilities shall not be expanded unless the standard of adequate and safe parking is met. On-shoulder parking should not be allowed where safe shoulder width or sight distances cannot be achieved, or where important seaward vistas will be impaired.
4. The number of private roads and recreational access road entrances off Highway One shall be limited whenever possible for traffic safety and management purposes. The County shall require new developments to demonstrate that the use of existing public or private roads is either not feasible or that easements for use cannot be obtained before it approves construction of a separate entrance to Highway One.
5. Sycamore Canyon Road and Palo Colorado Road should be maintained at a level that resident and visitor traffic can safely be accommodated. The U.S. Forest Service should consider providing a shuttle from Highway 1 to Pfeiffer Beach. Improvements to the width or alignment of these roads shall only be approved when negative visual and environmental impacts will not be substantial and where the improvements will not adversely impact adjacent residents. Pedestrian access shall be provided where feasible.

***B. Aesthetic Improvements***

1. Unsafe parking locations on the Highway One shoulder shall be retired from service when alternative safe parking is in place. The placement of boulders or other methods should be used to prevent inappropriate public access or parking in such areas. Native vegetation that does not obscure the public view should be re-established on bare areas.
2. Specific attention should be given by the State to eradicate non-native plant species that are contributing to a decline in the natural beauty of Big Sur. Pampas Grass, Kikuyu Grass, Broom, Eucalyptus and other species should be removed and replaced with native plants.
3. Where consistent with Critical Viewshed and other resource management policies, public restrooms should be provided at major destination points including in areas with Public and Quasi-Public and Visitor and Community Serving Commercial land use designations, in particular at State and National Forest developed recreation sites; and major public viewing areas adjacent to Highway One.. Trash receptacles should be considered and a program of litter abatement shall be undertaken.
4. The County requests that the design theme for the construction and appearance of improvements within the Highway One right-of-way as set out in the CHMP be used by Caltrans for the development of roadway signs, fences and railings, access area improvements, bridges, restrooms, trash receptacles, etc.. The objective of such criteria shall be to ensure that all such improvements are inconspicuous and are in harmony with the rustic natural setting of the Big Sur Coast.

***C. Traffic Regulation and Coastal Priority Uses***

1. Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic study which evaluates the anticipated impact to Highway One service capacity and makes recommendations on how conflicts can be overcome or mitigated.
2. Proposals for commercial mining or logging that may produce heavy truck traffic shall submit with their application a traffic study evaluating potential conflicts with recreational and residential use of Highway One and County roads, and describing how such conflicts can be avoided. In general, the County will not approve applications requiring use of heavy trucks on Highway One during peak recreational use periods.
3. Monterey County shall work with Caltrans, U.S. Forest Service, and other agencies to regulate vehicular access on Sycamore Canyon Road to Pfeiffer Beach during peak use periods. Vehicular access may be regulated at Highway One. In addition, a shuttle service to Pfeiffer Beach will be evaluated.
4. Monterey County shall coordinate with Caltrans, San Luis Obispo County, the U. S. Forest Service and other agencies to manage the recreational use of Highway One. The objectives of this program shall be to enhance public access and enjoyment of the Big Sur coast and the safety of Highway One by working together to ensure that operational and safety conditions of the highway do not further degrade. The following management actions, in addition to the improvements listed in Section 4.1.3 A. above, shall be completed as part of this program:
  - a. A system of traffic signs to the north and south of the Big Sur Coastal Planning Area, at locations strategic to travelers who may be intending to go to Big Sur, advising travelers of the traffic congestion on Highway One before they commit to driving to Big Sur and suggesting alternate routes. Caltrans should install these traffic signs as a measure for reducing undesirable peak period traffic congestion.
  - b. An electronic system using current state of the art technology, to be updated as technology improves, advising travelers of traffic congestion on Highway One and suggesting alternate routes.
  - c. Appropriate areas along Highway One should be designated by Caltrans for construction of paved passing lanes and turnouts for slow-moving vehicles. The passing lanes and turnouts should be signed to timely notify approaching slow-moving vehicles to pull over.
  - d. Use of Highway One by slow-moving vehicles should be regulated during peak hours of peak traffic days in order to increase highway capacity to accommodate future growth in Big Sur coast travel demand. This will be accomplished by requiring slow-moving vehicles that are holding up traffic to pull over consistent with State law. At north and south ends of Big Sur, illuminated signs on Highway One that state: (1) slow-moving vehicles are required to pull over and (2) the slow-moving vehicle law will be enforced.
  - e. Any improvements to Highway One shall take into consideration protection from trespass onto private properties.

***D. Public Transit***

2. A program should be initiated by Monterey Salinas Transit or other public carriers, in conjunction with the California State Parks, the U.S. Forest Service, and the County to expand bus service and provide bus stops at appropriate access points to recreation areas, trails, and roads on Highway One, and at visitor-serving facilities.
3. Development of new recreation areas and visitor-serving facilities or expansion of existing facilities shall be planned to maximize opportunities for access by bus. Applicants shall cooperate with Caltrans and transit authorities to provide bus stops in convenient proximity to the proposed recreational facility. Other improvements or services such as shelters, pick-up service from the transit stop, access trails that may be necessary, etc. shall be provided as part of the recreational facility proposal.
4. Monterey Salinas Transit or other public carriers, in conjunction with resident representatives should plan bus schedules to improve service for residents and employees.
5. An expanded education and promotion program should be implemented in cooperation with other recreation agencies operating in the County, to provide information on Big Sur bus service and recreational areas that are accessible by bus.

## ***5. LAND USE AND DEVELOPMENT***

### ***5.1 INTRODUCTION***

The primary purpose of this chapter is to set forth a land use plan and land use policies for Big Sur. Information on historical and existing uses and a discussion of issues is provided as background and rationale for the plan policies.

#### **Existing Land Use**

The history of development in Big Sur reflects the changing demands for use of the land. Subsistence ranching, logging of redwoods, harvesting of tan bark, and mining of limestone and gold provided a livelihood for early residents. While life was extremely rugged in these early years, there was a population of nearly 1000 people by the 1880's largely supported by these basic industries. The mountainous terrain, numerous deep canyons, and lack of roads made travel difficult and slow. Most local products were shipped out by sea on the small coastal trading vessels that brought supplies to the isolated coast's residents. Palo Colorado Canyon, Notley's Landing, Bixby Creek, the Big Sur Valley, and Partington Canyon were early centers of activity. Around the beginning of the 20th century, limited recreational use of the coast began to take place. The Big Sur Valley could be reached by stage from Monterey and camping in the redwood groves grew in popularity. Hunting and trout fishing were also popular and some local residents supplemented their income by guiding sportsmen from the cities.

Today the tan bark and limestone industries have ceased. Gold is still mined on a limited basis in the Los Burros region. Ranching continues as the major use of the large private holdings and contributes much to the character of Big Sur. Overuse by public recreation is by far the strongest land use issue today.

Single family residences comprise a major developed land use on private land. This occurs either in residential neighborhoods where development have historically been concentrated, or scattered along Highway One. Some of the larger parcels are used for cattle grazing. Commercial uses, including restaurants, grocery stores, and service stations are generally concentrated in the Big Sur Valley. Small visitor-serving commercial areas include Lucia, Pacific Valley Center and Gorda, and a few isolated businesses along Highway One. Recreational uses include public and private campgrounds, visitor accommodations, restaurants, State Park units, and the Los Padres National Forest. The U. S. Forest Service has offices and other facilities in the Big Sur Valley and at Pacific Valley. The California State Parks manages its units in Big Sur from offices in the Big Sur Valley. Caltrans has maintenance facilities in the Big Sur Valley and at Gorda, The U. S. Naval Station at Point Sur, and the lighthouse atop Point Sur, formerly owned by the federal government, were conveyed to the State. A variety of public and quasi-public uses serving the local community are located in the Big Sur Valley. These include the Big Sur Grange Hall, Captain Cooper Elementary School, churches, the County library, and Post Office. Another elementary school is located at Pacific Valley.

In 2016, the Big Sur Coastal Planning Area occupied 145,309 acres (on 1,481 parcels). Of this total, 41,154 acres (on 1,212 parcels) representing 28 percent of the total land area was in private ownership. The parcels ranged in size from less than an acre to several thousands of acres. Four hundred fifty (450)

parcels were vacant (however, some of these parcels are substandard, e.g., Garrapata Redwoods), and 762 parcels were occupied. Many of the occupied parcels have more than one unit on them, either residential or commercial. Small parcels of 2.5 acres or less are generally located near the highway or in one of several areas subdivided in the past for residential purposes. Palo Colorado Canyon, Garrapatas Redwoods, Rocky Point, the Big Sur Valley, Coastlands, and Partington Ridge are among the areas having the greatest number of developed parcels. Some of the private lands have scenic easements, deed restrictions, or site constraints which limit the level of development.

The 1986 LUP approximated that half of Big Sur Coastal Planning Area was in public ownership and anticipated that after public acquisition of private land contemplated at that time was completed, public ownership of land would comprise approximately 60% of the Planning Area. As of 2016, approximately seventy two percent (72%) of the Big Sur Coastal Planning Area is in public ownership. At 72%, government acquisition of private land is now more than double what was anticipated under the 1986 LUP. Public landowners within the Planning Area include the U.S. Forest Service, California State Parks, California Department of Fish and Wildlife, Monterey County, the University of California, and other public entities. A significant percentage of the private land remaining has scenic easements or deed restrictions that limit the level of development.

The viability of the Big Sur community is threatened by public acquisition of private land over time. An additional concern is the failure of land management and stewardship of public lands. Public agencies have not been able to adequately manage the land acquired, and these public lands are now at a point where public safety and health, the quality of visitor experience and natural resources are being significantly compromised.

### ***5.1.1 Residential Land Use***

The 2010 U.S. Census recorded 864 housing units, of which about 195 (23 percent) were used for seasonal, recreational, or occasional use. Six hundred sixty nine (669) units (77 percent) were permanent single family dwellings. A large proportion of these homes are located in the residential neighborhoods as discussed below. The size and density of these residential areas varies, but in all cases, they are more densely developed than surrounding lands. Many of the full-time residents who live in these residential areas own or work and support the visitor serving community. The residential community provides the stable force that supports the character, value and heritage in this LUP. Many of the public agency employees are here for limited duration and institutional memory is often lost in the process. The collective memory of the values set forth in the LUP resides with the residents and their community.

The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, they are not well suited for commercial agriculture, commercial, or visitor uses; use of these areas, to the extent consistent with resource protection, should continue to be for residential purposes. Residential neighborhoods include, but are not limited to the following areas: Otter Cove, Garrapata Ridge/Rocky Point, Garrapata and Palo Colorado, Green Ridge, Rocky Creek, Long Ridge, Clear Ridge, Pacific Valley, Bixby Canyon, Pfeiffer Ridge, Sycamore Canyon, Coastlands, Partington Ridge, and Buck Creek to Lime Creek. The Big Sur Valley, Lucia and Gorda also have significant residential use, although the primary function of these areas are community service and visitor-serving facilities.

The term “neighborhoods” generally has a different meaning in Big Sur than it may have in urban areas due to Big Sur’s large parcel sizes and relatively low population densities. People who live miles apart often consider themselves to live in the same neighborhood. Neighborhoods are often centered around road and water associations.

### ***5.1.2 Housing***

A serious housing shortage exists for employees in Big Sur, particularly in the visitor-serving industry. Because there is little housing available, employees have at times been forced to camp-out, live in cars, or move in with friends. Significant cumulative traffic effects from commuting employees exacerbates the problem of Highway One capacity. The shortage of affordable housing has also made recruitment of skilled employees difficult and poses a threat to vital community services such as the volunteer fire brigades, rescue services and the health center. This is having adverse impacts on the quality of visitor experience. Several factors affect solutions to the housing problems: the costs of land and housing precludes the use of traditional housing assistance programs. Job demand is exceeding available employee housing. A trend that is further impacting the housing shortage in Big Sur is that individuals purchase second-homes that sit empty for most of the year. Many homes along the coast that have traditionally provided a substantial amount of housing for the community are now under new ownership and have been removed from the available housing inventory.. Employee housing provided by an employer is an important source of affordable housing in the area. Accessory dwelling units include caretaker housing , which has traditionally provided shelter for many long-time residents and employees will continue to be an important element of the affordable housing supply. The cost of land and permitting discourage development of affordable housing. The Coastal Act mandate (30253(e)) requires innovative policies to protect the community and the quality of the visitor experience.

### ***5.1.3 Recreational Uses***

As a recreation area of regional, national, and international importance, Big Sur attracts about 4 to 5 million visitors annually. The accessibility of Big Sur to several nearby population centers is a major factor contributing to its high visitation. The basic recreational resource of Big Sur is the visual beauty of its striking landforms and unspoiled landscape. The mountains, forests, creeks, rivers, and ocean shoreline combine to offer diverse recreational opportunities. The artistic and rustic lifestyle for which Big Sur is known creates an attractive cultural setting that complements the natural character of the area.

Recreational activity is concentrated along the coastal strip: on beaches, rocky shoreline, public parks and forest lands, campgrounds off Highway One, and various visitor-serving facilities. The major recreational pursuit is pleasure driving and sightseeing along Highway One. Other Big Sur recreational activities include picnicking, sunbathing, beach and tidepool exploration, surfing, scuba diving, fishing, hunting, nature study, hiking, backpacking, camping, horseback riding, and hang-gliding.

The Big Sur Valley has numerous camping, lodging, dining, and other visitor-serving facilities and is a focal point for recreational activity and services in Big Sur. The Big Sur River, the beach at the river mouth, the redwoods in the valley, and Pfeiffer Beach are major natural recreation resources in the area.

The Los Padres National Forest occupies much of the area south of the Big Sur Valley. The National Forest is a major hiking, backpacking, and camping area. Several trailheads offering access to the backcountry and the Ventana Wilderness are located off Highway One. Several beaches including Sand Dollar Beach, Mill Creek Beach, and other smaller pocket beaches are scattered along the southern Big Sur coast within the boundaries of the National Forest. Hiking trails are scattered throughout the Ventana Wilderness and the National Forest backcountry. Day use facilities are provided at Mill Creek, Sand Dollar Beach, Willow Creek, and Pfeiffer Beach.

### ***5.1.4 Commercial Uses and Private Visitor-Serving Facilities***

Despite current demand by residents for development of commercial facilities (e.g., laundry mat, hardware store, etc.) in Big Sur, residents normally shop in the Monterey area. Visitors do create demand for convenience goods and recreation-oriented supplies and services. Local artisans work in Big Sur, usually at small shops in their homes.

Privately-operated, visitor-serving facilities constitute the major commercial activity on the Big Sur coast. The Big Sur Valley is a historical and geographic area of residential and commercial development with a distinct community identity. As a chief recreational destination point, it provides a variety of commercial and public services on a year round basis for area-wide residents and the visiting public, as well as functioning as a social center for activities and entertainment. Lucia, Gorda, and Pacific Valley offer more limited services along the southern coast.

Big Sur has accommodations for about 4,628 people, which number does not include unpermitted accommodations. At present, there are a total of 299 rooms in motels, lodges, or inns on the coast. Prices range from about \$135.00 to \$4,000.00 a night. Rustic cabins are available as well as campgrounds. There are about 580 private and public developed campsites; 8 group sites (hold 20 to 40 individuals); and 35 yurt, cabin, tent and adventure tent grounds. All of the private campgrounds are located in the Big Sur Valley.

Seventeen restaurants seat about \_\_\_\_ people. There are also \_\_\_\_ general stores, four gas stations, and few gift shops scattered along the length of Highway One. Private facilities are typically of a small to moderate scale in harmony with the natural beauty of Big Sur.

### ***5.1.5 Other Activities***

In addition to ranching, several industries based around the use of natural resources have historically been located in Big Sur. Logging and mining were among the first important economic activities in the area, although over the years, the level of activity is nominal. Several aquaculture operations have been active on the coast in the past. Gold mining in the Los Burros District is the focal point of present mining activity. Development of a large deposit of commercial grade limestone near the summit of Pico Blanco Mountain in the Little Sur River drainage has been proposed in the past by the owners of the property and may be proposed again in the future.

Big Sur does not possess the characteristics essential to most industries engaged in manufacturing. Neither the transportation system, work force, nor its market is adequate to support most manufacturing, and there is a lack of developable land for such uses.

## ***5.2 LAND USE PLANNING ISSUES***

The 1986 LUP focused primarily on preserving and protecting Big Sur's natural resources. The overuse due to the ever-increasing number of visitors to Big Sur will need to be remedied and is discussed further below, those goals for protecting natural resources have been met and it is intended that the County will continue to ensure that the goals continue to be satisfied. In addition to those goals, attention must now shift to also preserving and enhancing the Big Sur community and its neighborhoods. Accordingly, this LUP has been updated to extend the focus to also protect Big Sur's unique community. Big Sur employers report it is becoming increasingly difficult for employees to obtain affordable housing in Big Sur to provide visitor-serving services. Moreover, the Big Sur community is an integral part of the uniqueness of Big Sur, and the community certainly enhances the experience for visitors to the area. To ensure the community's long term viability, it must also be nurtured along with the area's other resources. New and innovative planning tools are needed to do that.

Along with the need to increase affordable housing stock for the Big Sur community, several other key issues continue to directly affect planning for the Big Sur coast. A primary issue concerning the environment and character of the coast is the effect on public access on the area. The remaining capacity on Highway One at peak use periods to serve further public access and visitor-serving development is extremely limited. The local community plays a vital role in supporting coastal dependent uses.

The basic emphasis of the Coastal Act is clear: to protect the environmental quality and resources of the California coast while making these available for the enjoyment of all of the citizens of the State. A major challenge that faced planners and citizens in 1986 was to find a way to substantially curtail further commitment to residential development resulting from subdivision while also assisting landowners in achieving the most sensitive possible development of existing parcels. This was largely accomplished through land use policies resulting in downzoning, providing slope restrictions for development, and protection of areas located within the Critical Viewshed. These land use policies are retained in this LUP;

however, this LUP also places an emphasis on providing housing for the employees of the visitor-serving facilities, other basic services vital to the economic health of the region such as teachers, fire fighters, etc. A second challenge of the plan is to continue to protect ranching as an important and traditional use of the larger land holdings with significant grazing resources.

Finally, the LUP must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring management of those resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for decades and must be corrected if Big Sur's long term promise is to be fulfilled. Overuse of existing private and public campgrounds, loss of natural resources, including riparian vegetation, through trampling, garbage, trespass, erosion of paths, compaction of soil in redwood forests, disruption of wildlife habitats, and displacement of native habitat by invasive species and increased fire hazards are a few of the problems associated with current levels of recreational use. Both Pfeiffer Beach and Julia Pfeiffer Burns State Park, in particular, have been heavily impacted. The Soberanes Fire, started by an illegal campfire on State Park lands, burned over ??? acres of woodlands, grasslands, and chaparral, killing many redwoods, oaks, madrones, and other native trees, and numerous wildlife including threatened and endangered species, also resulted in a death of a fire fighter and the destruction of 57 homes and threatens creeks and rivers with debris flows and siltation from denuded steep slopes burned by high heat intensity fire.

The privacy of the residents of the area should be protected if public use of the shore and upland areas increases. Visitor safety is also an issue because of hazardous cliffs and dangerous ocean conditions. Visual impacts in Big Sur include littering, signage, planting and structures blocking the view of the ocean, and development of visitor-serving facilities that are visually obstructive from the scenic highway. Public agencies need to be cognizant of these problems prior to expanding or creating new recreational facilities. Careful planning is needed to lessen, not increase, impacts associated with recreational enjoyment of the coast.

The location, intensity, and character of new recreational facilities needs to be cognizant of all of these problems. Careful planning is needed to lessen, not increase, impacts associated with recreational enjoyment of the coast.

There is a clear need to minimize the danger of fire hazard during high public use, which is throughout the year. This LUP encourages retrofitting of existing structures to meet fire protection standards. It also encourages property owners to maintain adequate water storage and defensible space, and public agencies to maintain fuelbreaks and manage vegetation on public lands. Structure and infrastructure protection shall be emphasized through fuel reduction activities. Policies restricting campfires and dispersed camping should be reevaluated by U.S. Forest Service and California State Parks in response to increased fire hazards.

### ***5.3 LAND USE DESIGNATIONS AND DIAGRAM***

This section describes the kinds, locations and intensities of land uses for the Big Sur Coastal Planning Area. The capabilities of Big Sur's natural environment and the capacity of the public service system to support development are reflected in these proposals. However, all new development is also subject to the policies of other sections of this LUP. The final determinations of the acceptability of development

proposals and their locations and densities on a parcel can only be made during the project review process, in consideration of all elements of the LUP.

Where there are competing policies, the interpretation of policies and regulations shall be flexible to achieve the outcome that best serves the overall intent of this LUP.

Five broad categories of land use designations; one Special Treatment Area; an Employee Housing Overlay; and other special land uses have been created for the Big Sur Coastal Planning Area. The intended effect of the designations and special treatment areas, the location of these designations, and the uses allowed within each, are set forth below. Figures BS-1, Big Sur Coast Land Use Diagram, shows the geographic location of these designations and special treatment areas in the Big Sur Coastal Planning Area. The boundaries between land uses shown on the Land Use Diagram are intended to be where a boundary falls on a parcel line. In undeveloped or un-subdivided areas, boundaries are approximate. Watershed and Scenic Conservation, Public and Quasi-Public, Visitor and Community Serving Commercial, Resource Conservation, and Rural Residential land use designations are proposed for the Big Sur Coastal Planning Area to reflect existing and traditional land uses. In all designations, agricultural land use is a principal permitted use as provided for in Section 3.6 of this Plan. Each legal lot of record within the Big Sur Coastal Planning Area shall have a single land use and zoning designation. An Employee Housing Overlay over the Visitor and Community Serving Commercial land use designation is to encourage and facilitate development of employee housing.

Overall, the diagram reflects current land use patterns, with traditional centers of commercial, recreational, and residential activity remaining as the areas for such use in the future. Most of the land on the coast is rural and undeveloped as part of the Los Padres National Forest or large privately held ownerships. The emphasis on these lands has been on minimal use and careful stewardship. These basic uses are proposed to remain over most of the area as indicated by the broad use of the Watershed and Scenic Conservation and Resource Conservation land use designations.

### ***1. Watershed and Scenic Conservation***

Protection of watersheds, streams, plant communities, and scenic values is the primary objective of the Watershed and Scenic Conservation land use designation. The primary purpose of this land use designation is to allow development in the more remote and mountainous areas of Big Sur while protecting the significant and substantial resources of those areas. Of specific concern are the resources inherent in such areas such as scenic values, watershed, plant and wildlife habitat, streams and riparian corridors. The development and resource policies of the LUP will guide landowners in assuring that development in this land use designation is compatible with the protection of the area.

Principal uses allowed in the Watershed and Scenic Conservation land use designation include residential dwelling units, agriculture/grazing, supporting ranch houses, related ranch buildings, forestry, mineral extraction, aquaculture and related facilities, and employee housing. Conditional uses include inns or lodging units, hostels, bed and breakfast and rustic campgrounds if the property has unshared direct access to Highway 1.

Land use intensities for this designation are set forth below in Section \_\_\_\_.

## 2. *Resource Conservation*

The purpose of the Resource Conservation land use designation is to protect and preserve resource areas in the Big Sur Coastal Planning Area. Lands designated with Resource Conservation land use designation 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.

The Resource Conservation land use designation is to protect resources, plant communities, and animal habitats and important archaeological sites. The focus of this land use designation is to encourage restoration and management program for fish, wildlife or other physical resources: wildland fire preparation and suppression; and exotic and invasive plant management. Appropriate uses can include existing low intensity day use recreation, education, and research. This land use designation is to be applied to the public lands that were or will be acquired to protect them from private development or for other conservation purposes. Existing development may be maintained, despite the restrictions in this land use designation. For the purpose of this policy, existing Development constitutes all projects (1) legally developed prior to December 31, 1976, or (2) after December 31, 1976 if approved under a coastal development permit where such permit is required under the law.

## 3. *Public and Quasi-Public Uses*

The primary purpose of the Public and Quasi-Public land use designation is to establish, enhance and maintain the outdoor recreation, community services, and educational uses while protecting (1) the resources inherent in areas such as viewshed, watershed, plant and wildlife habitat, streams, and riparian corridors from overuse; and (2) the privacy and safety of surrounding residences. Allowed uses include: State Parks; National Forest lands; publically-owned open space; forestry, mineral extraction, aquaculture and related facilities; employee housing; administrative, management and maintenance facilities for public agencies, fire stations; clinic and ambulance services; community halls; churches; post offices; libraries and schools.

Activities and facilities described in the Public Quasi-Public land use designation include, but are not limited to, Andrew Molera State Park, Garrapata State Park, Pfeiffer-Big Sur State Park, Julia Pfeiffer Burns State Park, Limekiln State Park, Willow Creek, Sand Dollar, Kirk Creek, Mill Creek, Pfeiffer beach, and Plaskett Creek, which are reflected in the land use diagram.

This designation includes National Forest Land. The U.S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection for watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. The U.S. Forest Service should eliminate dispersed camping to avoid overuse (e.g., litter, human waste, etc.) and illegal campfire problems.

Existing administrative and community uses may continue to operate on National Forest Land (e.g. Caltrans maintenance stations, local fire suppression facilities, Pacific Valley School). **[Note: Existing language in 5.3.1.1]**

As provided by the federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, are not subject to Coastal Commission or County jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future federal and non-federal development, if any. Federal projects on excluded lands will be addressed by the federal consistency process as provided by the CZMA.

All new development on land designated Public Quasi-Public, including development subject to federal consistency review shall have management plan designed to ensure that, at a minimum, the following issues are addressed.

- Overuse impacts to the environment;
- Traffic and parking impacts - Parking lots shall be located out of the Critical Viewshed;
- Security to limit trespass onto private properties, control vandalism, and protect privacy;
- Public safety, including enforcement to prevent illegal campfires and taking preventive measures to protect against wildfires, including but not limited to maintaining wildfire fuels at safe levels and maintaining effective fuelbreaks;
- Rehabilitation of degraded areas including invasives removal and revegetation with natives; and
- Garbage and sanitation.

Land use intensities for this designation are set forth below for **Section \_\_\_**, Land Use Intensities.

#### ***4. Visitor and Community Serving Commercial***

The properties designated with the Visitor and Community Serving Commercial land use designation are located in those areas with existing commercial uses and are appropriate for additional focused planned growth because adequate services and facilities exist or may be developed to support such development. The primary purpose of the Visitor and Community Serving Commercial land use designation is to respond to the needs of the traveling public and the local residents. Recreational and visitor-serving and community-serving uses include restaurants, grocery or general stores and other community support facilities, local arts and crafts galleries, inns, hostels, service stations, RV campgrounds, employee housing, single family residences, agricultural uses, and moderate intensity recreational uses.

Land use intensities for this designation are set forth below for **Section \_\_\_**, Land Use Intensities.

#### ***6. Rural Residential***

For Rural Residential land use designation, rural residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include accessory dwelling units for long term housing with a deed

restriction for such use (i.e., not allowed to be converted to short term rentals), garages, work or storage sheds, and art or craft studios. Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential land use designation because they contain comparatively small parcels, generally unsuitable for other kinds of development.

Land use intensities for this designation are set forth below for Section \_\_\_\_, Land Use Intensities.

## **6. *Employee Housing Overlay over Visitor and Community Serving Commercial Land Use Designation***

Employee Housing Overlay is over the Visitor and Community Serving Commercial land use designation, or any parcel located contiguous to a parcel or parcels with Visitor and Community Serving Commercial land use designation (as reviewed on a case-by-case basis). The purpose of the Employee Housing Overlay is to encourage and facilitate development of employee housing. The Overlay shall permit residential development of any type (i.e., multi-family or single family) to provide for employee housing.

### **A. Employee Housing Overlay Policies**

1. Long term housing in the Employee Housing Overlay shall not be converted to short term rental. To protect against conversion of employee housing to other uses such as short term rentals, each employee unit shall be deed restricted to provide housing for employees in Big Sur, and the County shall develop a mechanism to track and penalize violators of the deed restriction.

2. Employee housing proposed within the Employee Housing Overlay shall be encouraged using the following means:

- No zoning variance shall be required for employee housing on a case by case basis.
- Higher than minimum required density (such as dormitories and bunk houses) may be allowed as a bonus for development of employee housing.
- Development standards may be modified to permit residential development within the mixed-use projects at higher densities by regulating developmental intensity for the mixed-use project floor area ratio, rather than by calculating dwelling units per acre.
- Development of pre-approved building plans (e.g., prefabs, yurts, trailers, etc.) shall be encouraged as a mean to reduce costs and minimize the review process.
- Development review process shall be expedited so that carrying costs for the land being developed with employee housing can be minimized.

- Density bonus, incentives, concessions and other provisions shall be utilized in compliance with State legislation (SB1818 and AB 2280) to encourage the development of employee housing.
- For each employee housing project proposed, the County shall undertake a review to ensure that the development review fees are the minimum necessary to recover costs. If, based on its review, the County finds that the development review procedure or fees impacts the cost of the development, the County will make appropriate adjustments to mitigate the identified impacts.
- Expansion of or new commercial or public agency operations shall require an employee housing plan, and the plan shall be implemented including necessary construction and be operational concurrent with the construction of the commercial facility.

3. The County shall require annual self-reporting to verify that any property developed as employee housing under this overlay is being used for long term housing.

#### B. Employee Housing Policies for Areas Outside of Employee Housing Overlay

1. For areas outside the Employee Housing Overlay and within the Watershed and Scenic Conservation and Rural Residential land use designations, the following are also allowed to encourage long term housing in Big Sur to enhance the health of the visitor-serving industries and to support the long term viability of the Big Sur community:

- Allow non-traditional housing types such as single-room occupancy units, modular housing, and yurts for long term housing.
- Provide an expedited and cost effective process for rehabilitation to meet minimum health and safety standards of substandard and/or illegal units to use for long term housing.
- Existing caretaker and guesthouse units shall be permitted to be converted to secondary units for long term rental housing. Existing deed restrictions shall be amended accordingly.
- New secondary units shall be permitted for long term housing.
- Encourage residential long-term rental housing on private properties through contracts with businesses.
- Encourage long-term residential rental housing on public lands.
- Dispersion of long-term residential housing is encouraged throughout the Big Sur community by increasing density where the infrastructure is available. Density bonus, incentives, concessions and other provisions shall be utilized in compliance with the

State legislation (SB 1818 and AB 2280) to encourage the development of employee housing.

- Development review process shall be expedited and regulatory costs of development shall be minimized.
2. Long term housing developed outside of the overlay pursuant to Policy 1 above shall not be converted to short term rental. To protect against conversion of long term housing to other uses such as short term rentals, each long term unit shall be deed restricted to provide long-term rental housing in the Big Sur Coastal Planning Area, and the County shall develop a mechanism to track and penalize violators of the deed restriction.
  3. The County shall require annual self-reporting to verify that any property developed as long term housing pursuant to Policy 1 is being used for long term housing.

## **7. *Special Treatment Area***

Gorda/Treebones – The land designated as a Special Treatment Area allows for an increased level of development for long term employee housing to meet the needs of Treebones.. Therefore, maximum use of the property should be allowed for employee housing , and the property shall be restricted for that limited use.

## **8. *Special Land Uses***

### **A. *Bed & Breakfast Facility***

Most visitor accommodations are more appropriate in the Visitor and Community Serving Commercial land use designation. In order to provide a range of accommodations to a variety of visitors, a limited number of visitor accommodations may be appropriate outside of the Visitor and Community Serving Commercial land use designation. Because of the uniqueness of Big Sur (particularly due to the importance of land stewardship to ensure resource protection and to protect the long term viability of the Big Sur community), any visitor accommodations outside of the Visitor and Community Serving Commercial land use designation shall be limited to Bed and Breakfast Facilities so long as they are not detrimental to the health, safety and welfare of the people residing in the area. For those reasons, Bed and Breakfast Facilities are subject to the policies below:

4. Bed and Breakfast Facilities are allowed in Visitor and Community Serving Commercial land use designation.
5. Bed and Breakfast Facilities are not allowed where Palo Colorado or Sycamore Canyon

Roads are used for access.

6. Other than from Palo Colorado or Sycamore Canyon Roads, Bed and Breakfast Facilities may be allowed outside of the Visitor and Community Serving Commercial land use designation if they meet all of the following criteria:
  - The property has unshared, direct access from Highway One and with a coastal permit and use permit in each case to ensure that the location is appropriate for such operation. Bed and Breakfast Facilities are not allowed on any shared private road. Each use permit shall be renewed every 5 years and expires upon transfer of ownership.
  - A property owner shall reside on-site as their principal residence and manage their respective Bed and Breakfast Facilities.
  - The Bed and Breakfast Facilities shall not be affiliated with any motel or hotel in order to avoid “commercializing” the residential neighborhoods. No two Bed and Breakfast Facilities shall have any common ownership interest.
  - The Bed and Breakfast Facilities shall not be detrimental to health, safety or welfare of the people residing in the neighborhood. Adequate ingress and egress shall be available for emergency vehicles
  - Bed and Breakfast Facilities shall have sufficient infrastructure (i.e., water, sewer, public road, parking) to serve their operations.

**B. Time Shares and Short Term Rentals**

1. Time Shares are prohibited in the Big Sur Coastal Planning Area.
2. Short Term Rentals are prohibited in the Big Sur Coastal Planning Area.

**C. Special Events**

Special Events include revenue generating commercial events such as weddings, corporate retreats, sporting (e.g. bicycle) events, film shoots, festivals, circuses, workshops, and music events occurring outside of Visitor and Community Serving Commercial land use designation. “Commercial” is defined as revenue generating where the property owners or tenants earn income for the use of the land.

Special Events are currently and will continue to be permitted on the properties located within the Visitor and Community Serving Commercial land use designation as part of the Use Permit granted for that commercial operation, and the commercial operation within the Visitor and Community Serving Commercial land use designation will not be subject to the limitations set forth below and will only be subject to the limitation set forth in their respective use permit.

Special Events occurring on or along Highway One roadway are subject to the requirements set forth in this LUP such as bicycle or marathon or auto events.

For areas outside of the Visitor and Community Serving Commercial and Public Quasi-Public land use designations, Special Events are only permitted with a Conditional Special Use Permit with the following limitations:

1. Special Events are allowed only four times a year per property, with each event not to exceed three days.
2. Restroom and water facilities shall be provided.
3. Unless adequate on-site parking facilities are available, limited on-site parking is allowed for essential vehicles, and shuttle service shall be provided for guests.
4. Complies with Monterey County noise requirements.
5. The property proposing a Special Event must be accessible from a public road(s) and cannot use shared private roads.
6. The number of people (including support staff) allowed in each Special Event shall be limited to safe fire building capacity of the structure or the property as determined by the County Fire Warden or fire authority having jurisdiction.

### **5.3.1 Allowable Land Use Densities/Intensities**

The primary purpose of this section is to establish standards for the densities/intensities of new development in Big Sur, and these standards are set forth, in part, by Table 1 below. In addition to the standards contained in Table 1, the density/intensity of new development is governed by the following mechanism that is unique to the LUP:

Slope-Density Formula. The density of new residential development in all land use designations is determined by the “slope-density formula” set forth in Policy 2.8, which establishes allowable residential densities based on the slope of the development site.

The LUP is flexible concerning the siting of new development, allowing a range of land use proposals to be made at any particular location. Yet the plan's resource protection standards, and slope and road requirements, are stringent, ultimately causing new development to be sited on the most physically suitable locations and limiting buildout to a level that can be accommodated on those sites that can meet all of the plan's requirements.

Table 1 summarizes the major categories of development according to the locations at which the use could take place and provides standards to guide the density at which campgrounds can be clustered on the site. No limitation is established in the plan for the number of campsites that could be developed.



TABLE 1: LAND USE AND DEVELOPMENT INTENSITY AND BUILDOUT

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards <sup>3</sup>	Estimated Additional Units <sup>1</sup> or Beds in Big Sur
<b>Residential</b>				
Principal Residences	WSC; RR; VCSC <sup>2</sup>	Minimum 1 per existing parcel; 1 per 40 acres west of Highway One; 1 per 40-320 acres (per slope density formula) east of Highway One	EXISTING LEGAL LOT OF RECORD	Existing legal lots of record
Receiver Sites for TDC	WSC; RR; VCSC	2 times the above (minimum 1 unit per acre)	Same as Above	50 units per TDC Program
<b>Employee Housing</b>				
Commercial Employee Housing (located on VCSC land use designated parcels or parcels contiguous thereto)	VCSC; PQP	Specified in housing plan required for each commercial or PQP project	n/a	
Dedicated Employee Housing (located off site with direct access to and from Highway One)	VCSC; PQP; WSC; RR; Special Treatment Area	20 units per acre	n/a	
Accessory Dwelling Units Deed Restricted for Long Term Rental <sup>3</sup> and with Annual Reporting	WSC/RR/VCSC	3 per parcel (combined total maximum sq. ft. of 1,200 sq. ft.)	n/a	On Existing Legal Lots of Record
<b>Commercial Development not including visitor accommodations or resorts such as inns, motels &amp; hotels (e.g., restaurants, retail, etc.)</b>				

<sup>1</sup> “Unit” for inns equals one bedroom and “unit” for principal residence equals one dwelling structure that is not an accessory dwelling; “unit” for employee housing equals two beds. Principal residence can be, but is not limited to, manufactured home or yurt.

<sup>2</sup> Development of visitor accommodation use is permitted on a parcel designated VCSC and containing an existing residence so long as the existing residence is considered an ancillary use (owner or employee housing) to the visitor-serving facility.

<sup>3</sup> For Table 1, long term rental is defined as rental for minimum of a six-month period.

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards <sup>3</sup>	Estimated Additional Units <sup>1</sup> or Beds in Big Sur
Visitor and Community Servicing Commercial Uses (e.g., restaurants, retail)	VCSC		Maximum 50% lot coverage or maximum of 15,000 square feet, whichever is less; Structure cannot exceed two stories.	
<b>Visitor Accommodations</b>				
New Inns, Resorts	SOUTH COAST (SOUTH OF ESALEN)	30 UNITS (SPECIAL ALLOWANCE)	30 UNITS	30
	Westmere	24 units (special allowance)	24 units	24
	VCSC	5 unit per acre	3-acre minimum parcel; 30 units per cluster maximum	
Expansion of Existing Inn, Resort, or RV Campground <sup>3</sup>				
	VCSC	5 units per acre	30 units per cluster maximum	
Hostels	WSC; PQP	Maximum 50 beds per hostel	2-acre minimum parcel requires unshared direct access to Highway One. <sup>4</sup>	100 beds
	VCSC		1-acre minimum parcel	
Bed & Breakfast	RR; WSC; VCSC	4 units per Bed & breakfast facility; 50 units maximum total	Unshared Direct Access to Highway One <sup>4</sup>	50 Units <sup>5</sup>
<b>Campgrounds</b>				
Developed Campgrounds with water and electrical infrastructure (Not allowed in RR)	VCSC, PQP	10 spaces per acre		
	WSC	5 spaces per acre	Unshared Direct Access to Highway One <sup>4</sup>	

<sup>4</sup> For RR & WSC, the parcel must have unshared direct access to Highway 1, not using Palo Colorado or Sycamore Canyon Road.

<sup>5</sup> "Unit" for bed & breakfast facilities equals one bedroom.

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards <sup>3</sup>	Estimated Additional Units <sup>1</sup> or Beds in Big Sur
Rustic Campgrounds <sup>6</sup> , Hike-In and Environmental Campsites (Not allowed in RR)	VCSC	5 spaces per acre		
	PQP	5 spaces per acre		

---

<sup>6</sup> Rustic campgrounds are for tent camping only.

## **5.4 DEVELOPMENT POLICIES**

### **5.4.1 Key Policy**

Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.

### **5.4.2 General Policies**

1. All development and use of the land whether public or private shall conform to all applicable policies of this LUP and shall meet the same resource protection standards.
2. Development of any area of Big Sur will be consistent with uses for that area illustrated on the Land Use Diagram and to the use intensities described in the text. Uses not shown on the Diagram or described in the text will not be permitted.
3. Agriculture, low intensity recreation, and rural residential uses traditionally established in Big Sur are the most appropriate activities on private lands.
4. Existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the Land Use Diagram and resource protection policies in this LUP..
5. Many types of land use found in other locations in the County are inappropriate to the Big Sur coast and are in conflict with the rural environment, the protection of natural resources, and the general peace of the area and are not therefore provided for in the LUP. Among these uses are intensive recreational activities such as tennis, golf, cinemas, mechanized recreation, boating facilities, industrial development, manufacturing other than cottage industry or art production, on-shore or off-shore energy facilities, large scale mineral extraction or mining, fracking, oil extraction, commercial timber harvesting, and any non-coastally dependent industries other than cottage industries.
6. In general, any land use or development of a character, scale, or activity level inconsistent with the goal of preserving the coast's natural, undeveloped beauty and tranquility will not be permitted.
7. Except for infrastructure (e.g., roads, utilities), it is the policy of the County that lands in excess of thirty percent cross slope, located east of Highway One, shall not be developed except where such development is required to avoid a legal taking or where such development on the whole would have reduced impacts on the environment by reducing road cuts and/or clustering

development outside of Critical Viewsheds or environmentally sensitive habitat areas. Those portions of a parcel in this area that have a cross slope of thirty percent or more shall receive a density of one dwelling unit (d.u.) for 320 acres. Legal lots of record are exempt from this policy.

8. To avoid increased fire hazards, trash, sanitation problems, and trespass, dispersed camping should be prohibited and prevented through enforcement by the U.S. Forest Service and the California State Parks.

The calculation of residential development potential on property east of Highway One will be based on the following slope density formula:

<i><b>CROSS SLOPE</b></i>	<i><b>DWELLING UNIT/ACRE</b></i>
Under - 15%	1 - 40
18 - 30%	1 - 80
Over - 30%	1 – 320

Property west of Highway One may be developed at a density rate of 1 d.u. per 40 acres.

9. For purposes of calculating both residential and commercial development potential, including but not limited to inn units, areas of a parcel that exceed 30% slope shall not be excluded from the calculation.
10. Other than for employee housing located in areas designated as Visitor and Community Serving Commercial, properties west of Highway One may be developed at a density rate of 1 dwelling unit per 40 acres. Legal lots of record are exempted from this policy.
11. Development on slopes in excess of thirty percent is allowed if there is no feasible alternative which would allow development to occur on slopes of less than thirty percent or that if the proposed development better achieves the goals, policies or objectives of this LUP. Utilities, roads, etc. are not restricted on slopes in excess of thirty percent.
12. EXISTING POLICY 5.4.2.9). The following density standards allow up to a maximum of 500 units for visitor serving lodge, inns, cabins, and bed and breakfast rooms and other similar facilities on the Big Sur coast, 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.

The number of visitor-serving lodging units on any one site is limited to 30, reflecting the small scale character of the special Big Sur community. As specified in Table 1, the maximum inn unit density for new inns or resort in the Visitor and Community Serving Commercial land use designation shall be one unit per acre, with a minimum parcel size of three acres. The maximum

inn (or resort) unit density for existing inns or resorts that are being proposed for expansion shall be five units per acre.

10. Off-site advertising signs shall not be allowed.

On-site advertising signs are allowed in connection with commercial or visitor-serving uses, to a maximum 35 square feet. The size, design, materials, and location of all signs should be in keeping with the local character, appropriate for the intended use, and be subject to the permit process. Materials shall be limited to those which are natural, including unpainted wood (except for lettering) and stone, whenever feasible. No exterior or interior neon plastic, moving, or flashing signs will be allowed.

Caltrans should not allow any private signs or advertising structures within the state right-of-way.

- b. 11. A coastal development permit must be obtained for the harvesting or the removal of major vegetation. However, in the Big Sur Coastal Planning Area the following will not be considered harvesting or the removal of major vegetation and no permit shall be required: Removal of non-native or planted trees, except where this would result in the exposure of structures in the Critical Viewshed;
- c. Removal of hazardous trees which pose a current danger to life or property, or threaten contagion of nearby forested areas, subject to verification by the County or CAL FIRE;
- d. Thinning of small (less than 14" diameter) or dead trees from densely forested areas, especially as needed to reduce unsafe fuel accumulations adjacent to existing occupied buildings;
- e. Prescribed burning, crushing, lopping or other methods of brush clearing which do not materially disturb underlying soils; and
- f. e. Removal of trees and other major vegetation prescribed by the Fire Authority Having Jurisdiction or Monterey County Fuel Mitigation Officer.
- f. Fuel reduction work that is consistent with the Board of Forestry's General Guidelines for creating defensible space.

12. Selective removal of trees for development may be permitted where consistent with the Forest Resources policies of this LUP, provided that no impairment of the Critical Viewshed or degradation of environmentally sensitive habitat area will result. Where the removal of trees is part

of a stand improvement project or similar commercial timber harvest management effort, the submission of a Forest Management Plan for the site will be encouraged by the County; approval of such plans pursuant to a permit will obviate the need for multiple permit requests on the same site.

### **5.4.3 Specific Policies**

#### **A. National Forest Lands**

1. The County requests that the U.S. Forest Service give special attention in its planning and management of the Los Padres National Forest to the protection of the natural environment from recreational overuse and to the protection of adjacent residents from fire hazard by maintaining the historic Big Box fuelbreak as recommended in the MCCWPP and water pollution resulting from recreational use.
2. The County shall consult with the U.S. Forest Service prior to the issuance of a coastal development permit for any parcel adjacent to the National Forest lands, roads, or access trails.
3. Federal and State land management plans shall address, carrying capacity, traffic flow and safety, fire hazard, and impacting the quality of visitor experience. For example, areas that have been overused and neglected, such as, but not limited to, Sykes Camp, Pfeiffer Beach and JP Burns State Park, are in desperate need of protections. Solutions to these problems shall be included in management plans at their next update and thereafter.

#### **B. Agriculture**

1. Agricultural resource protection policies presented in Chapter 3 provide the basic framework to guide agricultural activities and shall be considered in all development applications where existing or potential grazing land is concerned. Management of agricultural operations should be particularly sensitive to the protection of water quality and vegetation in riparian areas.
2. Aquaculture activities are considered agriculture uses and are generally compatible with the goals of this LUP. Processing facilities will be carefully considered to assure compatibility with the area.

#### **C. Development of New or Expanded Recreation and Visitor-Serving Facilities**

1. Development of recreation and visitor-serving facilities at locations suitable for such use is desired in Big Sur because of Big Sur's national significance as a recreation area.
2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall

not be permitted.

Compatible scale and character shall include limiting the number of visitor accommodation units as specified in Policy 5.4.2.9 and shall limit such structures to two stories in height, subject to site constraints. However, employee housing can be three stories in height, if the housing is outside of the Critical Viewshed.

3. The Soberanes Point, Garrapata Beach, Brazil Ranch, and Andrew Molera State Park areas should be restricted to low-intensity, day-use recreational development with minimal provision of facilities. The scenic and natural resources of these areas should be preserved in a natural state. Public access to Point Sur Lighthouse should be limited to guided tours only.
4. The County shall allow expansion and development of public and private recreation and visitor-serving facilities and employee housing within existing areas of development. Existing facilities within the Visitor and Community Serving Commercial land use designation that are legal non-conforming will be allowed to exceed the densities of Table 1. Accordingly, new development, or expansion of existing recreation and visitor-serving facilities in the Big Sur Valley, and at Lucia, Gorda, and Pacific Valley is generally acceptable provided resource protection policies can be met.
5. Recreational and visitor-serving facility expansion and development proposals shall be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan and environmental, visual, design and traffic constraints. Visitor-serving facilities may be approved on any size parcel meeting the standards listed in Table 1 and shall be large enough to allow for the construction of needed employee housing, provide adequate sewage disposal and parking, and otherwise, satisfy the policies of this plan. Additional criteria for inn unit development include:
  - a. Must have direct, unshared access to public road (not including Sycamore Canyon or Palo Colorado Roads);
  - b. Deed restrictions must be recorded to preclude rental or subdivision of the inn units as separate residential dwelling units.
  - c. Deed restriction must be recorded to preclude use of employee housing as inn units.

No portion of acreage necessary for one facility shall be credited to a different facility.

Inns shall provide at least one parking space per room. Free-standing restaurants (not part of an inn) shall provide at least one space per four seats or per 100 sq. ft. of both open and enclosed dining area, whichever is greater. In addition, adequate and separate employee parking shall be provided.

New free-standing restaurant development shall be limited to the Visitor and Community Serving Commercial (VCSC) land use designation and the sites specified in LUP Policy 5.4.3.E-1. The maximum size for such new restaurant structures shall be that amount of space needed for a 120-seat enclosed dining room facility. Elsewhere, restaurants shall not be larger than required to serve the maximum size inn allowed on the parcel (generally, at the ratio of two seats per inn unit). Expansion of existing restaurant buildings shall be limited in scale to that which is in character with Big Sur, not to exceed a 10% expansion in area or an area sufficient for 120 dining room seats, whichever is greater.

6. Applicants for commercial developments shall submit a profile of the number of expected employees. The profile shall indicate, in general ranges, the income of the prospective employees and other information that would allow for an assessment of the employee housing needs to be created by the development. An employee housing plan shall be submitted that indicates how the employer shall, as part of the development or otherwise, satisfy all, or a substantial portion of, the housing needs of the employees. The employee housing plan shall be implemented prior to or concurrently with the commercial development. A deed restriction shall be recorded to preclude the use of employee housing for any other use than for providing housing for the commercial establishment's employees. The County requests that State and Federal agencies prepare long range recreational development plans for areas under their jurisdiction. The County requests that these plans contain traffic components describing the portion of Highway One capacity required to serve the proposed recreational development, including public transportation potential. The County will seek to assure that approval of these plans will be made jointly and on a cooperative basis, by all agencies involved in the management of Highway One. Environmental assessments will be required for all such proposals. Development of public and private recreational facilities will be phased as part of a recreational growth management program based on available highway capacity. Development standards for approval of recreational facilities and visitor-serving facilities on government lands shall be identical to those applied to private developments in Big Sur.

***D. Recreation Management***

1. Management of recreation uses in Big Sur shall emphasize the enjoyment of the natural scenic environment and shall preserve the rural, wilderness, and inspirational qualities for which the Big Sur coast is famous. A high standard of resource protection is required to maintain the valuable resources of the Big Sur coast in perpetuity.
2. No additional development for public recreation shall be allowed unless the State or Federal government has sufficient funding to manage and maintain existing public recreation areas..
3. Management policies for outdoor recreation areas shall be to limit levels of use in environmentally sensitive habitat areas and redirect recreational activities to other areas able to support anticipated use with minimal environmental impacts.

4. Pleasure driving along scenic Highway One is a major recreational activity. Provided that it will not increase capacity of Highway One, public transit service to the coast should be expanded. Local transit service within Big Sur should be initiated to serve the visitors of California State Parks, Los Padres National Forest facilities, and private recreation and visitor-serving facilities.
5. Additional roadside restroom facilities to serve visitors and the traveling public shall be provided consistent with Critical Viewshed and resource protection policies. The determination of appropriate restroom locations will be coordinated with Caltrans as part of the Plan implementation.
6. Adequate public access shall be provided to recreational areas but all appropriate management measures should be used to discourage trespass. Site design and facility management should discourage trespass onto adjacent property.
7. The U.S. Forest Service may designate appropriate areas in the vicinity of Pacific Valley Center for hang-gliding and shall provide supervision to discourage hang-gliding in areas that could endanger the safety of hang-gliders and the public. Hang-gliding from or landing on private property shall be allowed only upon prior approval of the owner.
8. Off-road vehicle recreation is not appropriate.

#### ***E. Commercial***

1. Development of new commercial uses in this Visitor and Community Serving Commercial land use designation needs to be directed to the Big Sur Valley, Lucia, Gorda, and Pacific Valley. Gasoline service stations, general stores, or similar highway-oriented commercial structures shall not be allowed outside of the Visitor and Community Serving Commercial land use designation.
2. Westmere, well known as the site of a lodge serving visitors to the northern portion of the Big Sur coast, may re-establish the historic use as a lodge of 24 units that reflects the historic character of the site in design and scale. A specific development proposal for Westmere may request additional units subject to the limitations set forth in this LUP. In order to meet policies for the protection of the Critical Viewshed, the new lodge should use the original site which is hidden from public view from Highway One. Overall visual restoration of the surrounding area, under the same ownership, should be carried out as a condition of the development of the lodge and public access to the beach at Rocky Creek should also be provided.
3. Commercial development shall maintain the rustic character of Big Sur both in size, scale, activities, and design.
4. Large scale commercial facilities that are unlike the existing character and size of facilities in Big Sur shall not be permitted.

5. Cottage industry is encouraged as a traditional activity in the area. It shall be treated as an appropriate home occupation in any areas where residences are permitted and shall not be restricted to areas designated for commercial uses.
6. Commercial facilities shall be aimed at serving both local residents and the visiting public. No minimum site standards are established for commercial uses but adequate physical area to meet parking requirements. Natural resource concerns must be addressed before existing businesses can be expanded or new facilities can be approved.
7. Existing commercial facilities may expand and improve existing buildings. Commercial uses not in Visitor and Community Serving Commercial land use designation may expand existing secondary uses provided such expansion is small in scale and clearly subordinate and incidental to the primary use.
8. Renewal of coastal permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors.
9. New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway One and should in no event create hazards for motorists or pedestrians.
10. Conversion of existing low cost overnight accommodations to other uses, unless replaced with comparable facilities, will not be permitted.

***F. Public/Quasi-Public***

1. A range of public and quasi-public services are present in Big Sur and serve both the local community and visitors. These include, or have included in the past, churches, two elementary schools, volunteer fire protection, County library, post office, Big Sur Grange Hall, ambulance service, California State Parks and U.S. Forest Service management facilities, and public agency radio repeaters, flood monitors and navigational aids. These should continue to be concentrated in the Big Sur Valley, Pacific Valley Center, Lucia, and Gorda but should be upgraded based on present need and future growth.
2. In general, improvements should be made in the level of public services available in Big Sur. Permanent buildings should be constructed for the County Branch Library and South Coast fire station and health center.
3. The County shall cooperate to the greatest extent allowed by state and federal law to allow for development or relocation of vital community-based public services.
4. The existing public schools in the Big Sur Valley and at Pacific Valley Center are expected to be adequate for some time. Increased classroom needs should be accommodated at these locations rather than new sites.

5. Like other uses, public and quasi-public uses must meet strict resource protection and environmental criteria. Such facilities shall not be constructed in primary floodplains.

**G. *Rural Residential***

1. Development in designated rural residential areas shall continue to be limited to residential uses in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses.

**H. *Residential Subdivision***

1. Subdivision layouts shall be encouraged that vary from conventional subdivision standards if the proposed innovations in design better meet the policies and intent of the Coastal Act and this LUP.
2. Density rates, as specified in **Policy 5.4.2.8 and Table 1** shall not be meant to define the minimum lot size where clustering is proposed. However, restrictions shall be applied to ensure that the density rate is not exceeded by additional divisions of the original parcel.
3. Resubdivisions and lot line adjustments are encouraged when no new developable lots are created and when LUP policies are better met by this action.

**I. *Low and Moderate Income Housing***

The County is required by State laws mandating the Housing Element of the General Plan, to provide programs to increase the availability of low and moderate income housing. The following policies which are based on the goals of the adopted County Housing Element reflect those actions that will be most effective for the Big Sur coast.

1. The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason. The County shall:
  - a) Require replacement, on a one-for-one basis, of all demolished units which were affordable to low and moderate income households. However, prior to demolition of any residence, an historical evaluation shall be made to determine if the structure has historical significance. Historically significant structures shall not be demolished.
  - b) Promote rehabilitation and weatherization of housing units owned or rented by low and moderate income households.
  - c) Study relaxation of building code requirements and if appropriate adopt minimum building code regulations for the rehabilitation of older housing units.

- d) Replacement affordable housing units shall be retained as low and moderate income units through deed restrictions or other enforceable mechanisms.
2. The County shall encourage the expansion of housing opportunities for low and moderate income households. The County shall:
    - a) Work cooperatively with Big Sur residents desiring to construct hand-made houses of original design, utilizing native materials. The County encourages this as a contribution to the coast's culture and will assist residents in insuring these designs meet minimum necessary health and safety standards.
    - b) Require that as a condition of all permits related to additions to existing public or private visitor facilities or the construction of new facilities that employee housing be constructed on-site, or in the immediate vicinity, and be made available to low and moderate income employees in accordance with Policy C-9 of this section. Such housing must be provided prior to or concurrent with the proposed development, and must be permanently linked to the visitor-serving use through appropriate binding guarantees. Maximum size per newly-constructed employee housing unit (other than dormitories) shall be 850 square feet. The maximum number of such new housing units shall not exceed one per inn unit or one per six restaurant seats.
    - c) Encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached care takers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's residences shall not exceed a total of 1,200 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a care taker's residence. Only one caretaker's unit shall be allowed on the parcel. All such units shall be considered as part of the residential buildout allowed by this plan.
    - d) Additional agricultural employee housing is permitted at the rate of one dormitory/bunkhouse per ranch, consistent with all other Plan policies.

***J. Second Structures***

1. Detached or attached guesthouses are not to be equipped for permanent living and are not considered residences. They shall be permitted at the maximum rate of one (either attached or detached) per parcel or one (either attached or detached) for each principal residence providing the constraints of the parcel and other LUP policies permit. Furthermore, detached guest rooms shall be located in close proximity to the principal residence, share the same utilities except where prohibited by public health, contain no kitchen or cooking facilities, and be limited to 425 square feet. Conditions shall be implemented by CC & Rs or other legal restrictions, including revocation provisions for non-conformance. Subdivisions shall not be permitted to divide a principal residence from a guest room.

2. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other LUP policies permit. None of these units shall ever be used for habitation purposes. For structures whose design does not preclude habitation, legal restrictions shall be applied in the same manner as described in **Policy 5.4.3.J-1** above.
3. An accessory dwelling unit, or a combination of two or three accessory dwelling units, totaling up to and no more than one thousand two hundred square feet per parcel, is allowed. Accessory dwelling unit(s) shall be a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. Accessory dwelling unit(s) shall be allowed to be used only for long term rental and such use shall be encouraged to meet Big Sur housing needs. Short term rental of accessory dwelling unit is prohibited.
4. Prefabricated, modular and manufactured homes are allowed as accessory dwelling units to increase the housing stock in Big Sur so long as they are properly prepared on **concrete** strips or **slab** and meet the policies of the LUP.

***K. Private Roads Outside the Critical Viewshed***

1. New private roads may be permitted only where:
  - a) The proposed new road/driveway is appropriate for the establishment, continuation or expansion of Coastal Act priority use: or
  - b) The proposed new/driveway road is essential for basic residential access, and no reasonable alternative exists; or
  - c) The proposed new road/driveway provides a superior alternative to an existing road in carrying out the policies of this LUP.
  - d) The proposed new road/driveway would provide an alternative means of emergency ingress or egress, such as during flood or wildfire.
2. New private roads/driveways shall meet the following criteria, in addition to meeting all other resource protection policies of this LUP:
  - a) Such roads shall be able to accommodate emergency vehicles, particularly fire equipment, while permitting residents to evacuate the area.
  - b) Appropriate planting of exposed slopes and submittal of detailed drainage and erosion control plans shall be required.
  - c) Any prior relevant reports (e.g., archeological, geological, soils, etc.) may be

utilized to meet the policies of this LUP. .

- d) A qualified engineer shall certify that potential erosion impacts from road construction shall be adequately addressed (i.e., the proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates). Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms.
- e) New roads across slopes of 30 percent or greater shall not be allowed unless:
  - 1. No feasible alternative exists;
  - 2. The proposed design of the road on balance better achieves the overall resource protection objectives of this LUP.
- 3. The County shall require 12-foot width for roads serving new residential development, including both minor subdivisions and isolated single-family dwellings. Narrower residential roads should be allowed only where adequate turnouts are provided at frequent intervals to the satisfaction of CAL FIRE and the U.S. Forest Service, where applicable. Greater roadway widths may be necessary to accommodate clustering of residential units, or where nonresidential use is permitted, provided that all criteria of Policy 2 above are met. The standards for private rural roads set forth in the County's Subdivision Ordinance should serve as guidelines for road requirements.

***L. Big Sur Valley***

Big Sur Valley is that area designated with Visitor and Community Serving Commercial land use designation from River Inn (to the North) to Post Ranch/Ventana (to the South).

- 1. Special attention shall be given to the Big Sur Valley as the Visitor and Community Serving Commercial growth area as well as a center of recreational activity on the Big Sur coast. Policies of this plan concerning recreation and commercial development, public and quasi-public uses, hazards, and traffic shall be carefully considered in all development proposals in the Valley. Of special concern for sites having highway frontage is whether the highway access is unsafe for the principal use, and for parcels without frontage, whether the access is unsafe for the principal use and the site is of adequate size to accommodate a viable principal use.
- 2. Outdoor recreation, recreation and visitor-serving commercial and community-serving commercial uses, and public and quasi-public uses, shall be the principal uses in the Valley since the available space for these necessary activities is very limited. Residential development will be considered appropriate on sites not suitable for these uses.
- 3. Additions to offices and related service buildings (including employee housing) of the California State Parks and the U.S. Forest Service shall be grouped together on an integrated site with permanent, aesthetically-pleasing buildings. Parking areas for these

facilities, and the existing trailhead parking lot for the Ventana Wilderness, shall be screened from public view to the maximum possible extent through careful siting and the use of vegetative screening.

4. Visual emphasis for development and signage in the Big Sur Valley should be of tasteful, rustic design using natural materials and careful siting of structures to meet scenic protection objectives rather than the criteria of non-visibility. This policy variation is needed because of the importance of the area as a recreation destination point and because development is already visible.
5. Traffic congestion, recreational overuse with associated environmental impacts, increased levels of activity and noise, and limitations on available water to serve new or expanded uses, all point to the need for special care in planning for the growth of the Big Sur Valley. (MOVED FROM 6 BELOW) The 100-year floodplain of the Big Sur River poses considerable limitations on the development in the Valley. Structures shall be permitted to be built in the floodplain with proper engineering design. Campgrounds or similar outdoor recreational uses are also appropriate in the floodplain.
6. The County encourages both public and private interests to undertake work to restore riparian vegetation, improve stream channel conditions, and reduce impacts of concentrated use along the lower Big Sur River.

***M. Development of Large Properties and Ranches***

1. The development of properties of 320 acres or greater, for uses other than agricultural-related or conservation-related structures or a single residence, shall require submittal of an overall development and management plan for the property. The development and management plan shall indicate all long range uses contemplated on the property. Areas proposed for development of residences, visitor-serving facilities or low intensity recreational uses shall be clearly delineated and areas to be retained for grazing, and open space and habitat protection, and public access shall be indicated. All proposed roads shall be shown. The development and management plan shall contain a description of how development will be phased over time.
2. Because agricultural and recreational uses most closely conform to the priorities of the Coastal Act, the County encourages plans that emphasize these uses. The County will assist private landowners of large properties in planning options that increase the viability of agricultural and recreational uses and that will help sustain the property in an undivided state over the long term.
3. Residential subdivision is discouraged in favor of clustering residential uses at locations on the property that create minimal disruption of existing or potential agricultural uses, and that retain the balance of the property in an undivided interest between the new owners.



## ***6. PUBLIC ACCESS***

### ***6.1 INTRODUCTION***

The Big Sur coast is where Highway One traces a narrow ledge along the rugged Santa Lucia Mountains above the Pacific shoreline, which exposes travelers to natural beauty of the wild character of the coast. In recognition of its spectacular beauty and other unique qualities, this part of Highway One has been designated an All-American Road and has received national and even international acclaim. This honor is afforded by the National Scenic Byways Program to those few highways in America that are so distinctive as to be considered experiences unto themselves.

The use of Highway One by the public is primarily for scenic travel. Accordingly, visual access should be emphasized and protected for the Big Sur coast as an appropriate response to the needs of visitors. Protection of the public visual access and preservation of the land in its natural state are, thus, the higher priority for this LUP rather than physical access. Response to demand will increase the growing problems of overuse and degradation. The carrying capacity of Highway One is finite. Increased management is necessary for rehabilitation, restoration and preservation. Care must be taken that while providing physical public access, that the beauty of the coast, its tranquility, and the health of its environment, are not degraded by public overuse or carelessness.

The Big Sur coast in its natural state has historically been protected. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur area.

Many of the most suitable locations for physical public access are already in public ownership or have public access easements. These areas need to be protected and managed for continued public use and enjoyment. The lack of adequate management of existing access areas has led to a decline in the quality of natural resources as well as the visual experience and has created hazards to public safety and danger of fires. Additionally, increasing incidents of vandalism and damage to resources from public use have contributed to private landowners' reluctance to permit public use of trails through their property. Provision of adequate management must be a requirement to any additional access.

This LUP sets forth policies and actions to protect, provide, and manage public access in order to enhance the visitor experience while assuring preservation of the coast's environmental quality. The intent of these recommendations is to use the existing public access system as much as possible, and to improve existing but deteriorated trails. This approach minimizes both the visual and environmental impacts associated with construction and use of new trails and the conflicts involved in providing a new trail access through a multitude of private ownerships. Cooperation between the County, public management

agencies, local landowners, and the community are essential to the implementation of the Access Element.

Strong policies are set forth in this LUP to safeguard the County's high priority – visual access by the millions of visitors who drive Highway One. If carried out, they should preserve the scenic magnificence of the area for present and future generations.

### ***6.1.1 Shoreline Access***

The public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. In the past, the County and other public agencies have sought to provide access, where suitable, along the Big Sur coast. The visual experience has been the most traditional and most dominant form of access along the coast. Therefore, preservation of visual resources is an overriding goal in planning for Big Sur.

The spectacular scenic quality of the Big Sur coast is, in large part, due to the rugged topography and wild nature of the area. Steep cliffs and bluffs lead to rocky shorelines punctuated by seasonal pocket beaches. A few wide sandy beaches are concentrated in less steep terrain along the coast. In general, access to most of the shoreline is difficult and hazardous. Access destinations of suitable size, safety, and distance from sensitive habitats are found irregularly along the coast. Much of the coast is suitable only for visual rather than physical access.

Seventy two percent (72%) of the Big Sur Coastal Planning Area is in public ownership. Presently the following locations in public ownership provide an array of shoreline access: Andrew J. Molera State Park, Pfeiffer Beach, Limekiln Creek, Partington Cove, J. P. Burns State Park, Kirk Creek, Mill Creek, Sand Dollar Beach, Jade Cove, Pacific Valley Shoreline, Willow Creek, Cape San Martin, and Alder Creek.

In central Big Sur, from Andrew Molera State Park to J. P. Burns State Park (16 miles), there are four public coastal access points (Andrew Molera Beach, Pfeiffer Beach, Partington Cove and J.P. Burns State Park (visual only)). This 16-mile area experiences the greatest concentration of public and private camping and overnight use. The coast between Anderson Canyon and Limekiln Creek (14 miles) is for the most part privately-owned, and is characterized by extremely steep topography that limits access. The major portion of the south coast, from Limekiln to the San Luis Obispo County line (21 miles), is in the National Forest with various improved access points. In general, unmanaged access exists on these lands and has led to rampant illegal camping, wildfires such as the devastating Soberanes Fire, pervasive trash, human waste, destruction of native flora and fauna and proliferation of invasive plants. Due to steep, unstable slopes, much of this access is only visual for reasons of public safety. This area is high priority for maintenance, preservation and restoration to address these problems.

Access trails outside of the National Forest tend to be informal and hazardous. Parking lots are provided at the California State Park units and developed U.S. Forest Service beaches. Parking is available at various locations along Highway One, which are Vista Points and turnouts maintained by Caltrans. Several of these locations are hazardous to oncoming traffic and should be reviewed for safety. For example, the Vista Points and turnouts at Bixby Bridge, Rocky Creek and north of Kasler Point

should be reviewed for safety. At the other shoreline destinations, parking is available only at unpaved pullouts.

Many access sites along the coast have experienced degradation from unmanaged use or overuse. Unplanned and unmaintained trails have led to trampling of vegetation, soil compaction, and visual scarring of the bluffs. Problems of litter and sanitation occur all along Highway One and beaches. The impact of all of this is the lessening of the quality of the recreational experience for the visitors, as well as degradation of the natural resources of the coastline.

Though the County recognizes the increasing public demand for access to the Big Sur coast, it also recognizes the importance of preserving the fragile natural environment and the quality of visitor experience. A range of additional concerns, including the need to ensure peace, privacy, health and safety, private property rights and security are not jeopardized by unmanaged, inappropriate and/or irresponsible public access. The rights of residents and landowners must be protected from increasing visitation and attendant irresponsible behavior, such as building of illegal campfires and trespass. The County's objective then, is to continue public visual access as its highest access priority.

### ***6.1.2 Trails***

Trails provide both recreational opportunities for the hiker, equestrian, and bicyclist, as well an alternative form of transportation to recreational areas. Public access to scenic and remote areas not served by roads can be obtained sometimes by trail. Most of the trails in Big Sur are located within Los Padres National Forest and units of the California State Parks. The general policy of the U.S. Forest Service is to permit public access throughout the forest through a network of trails and backpacking camps. Most of the trails in the National Forest are not maintained.

Well over 100 miles of trails exist within the Big Sur portion of the Los Padres National Forest. Hiking is the major activity, but hunting, fishing, and horseback riding are also popular. Portions of the Ventana Wilderness are also located within or adjacent to the Coastal Zone. The U.S. Forest Service is concerned that overuse has damaged wilderness qualities in portions of the Ventana Wilderness such as at Sykes Camp along the Big Sur River. The U.S. Forest Service is encouraged to provide management of the back country campgrounds on land it manages to protect natural resources, and to police illegal camping and campfires.

Andrew Molera, Pfeiffer-Big Sur and Julia Pfeiffer Burns State Parks contain trails within the park units. In addition to providing pedestrian circulation within the parks themselves, some of these trails could assist in providing improved access to public forest lands east of the highway.

In 2001, SB 908 was enacted to establish the California Coastal Trail from the Oregon border to Mexico. The County supports the specific alignment and master plan, which is in the process of being developed using the community-based planning process included in Appendix ???.

Where improvements to public trails are made, they should be coupled with a management program to protect affected public and private resources.

The Trails Diagram \_illustrates the trails that are existing public trails. Only major trails are shown.

Some public trails exist in Big Sur within the State Parks and National Forest that are not shown the Trails Diagram.. Some trails are open to educationally related organized groups on a reservation basis only, such as the loop interpretive trail now owned by the State as part of Landels-Hill Big Creek Reserve. This allows a means of ensuring protection of sensitive natural resources or avoiding undesirable conflicts with private uses while still accommodating public access. ..

### **6.1.3 Key Policy**

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 visitors. Visual access shall be maintained by directing all future development out of the Critical Viewshed, while protecting private property rights.

### **6.1.4 General Policies**

1. (PRIOR KEY POLICIES 6.1.3 and 6.1.1 SHORELINE ACCESS COMBINED LANGUAGE) The existing public trails to the shoreline, through public lands along the coast shall be protected and properly managed and maintained respecting the priority on resource protection and quality of recreational experience. The primary goal is to use the existing system as much as possible, and to improve existing but deteriorated\_trails. Preservation of visual access to the natural environment is the highest priority. All access must be consistent with this objective. Care must be taken that while providing physical access, the beauty of the coast, its tranquility and the health of its environment are not further marred by public overuse or carelessness. For example, the mouth of the Little Sur River visual access provides tranquility at the entrance of Big Sur valley that should continue to be protected by prohibiting physical access. The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors.. Visual access shall be maintained by directing all future development, including public access, out of the Critical Viewshed. Consistent with the Coastal Act, privacy and private property rights must always be respected and protected.
2. In order to protect, enhance and restore the overall quality of the Coastal Zone (California Coastal Act §30001.5(a)), no new public access shall be allowed, other than visual access and the California Coastal Trail, as developed following the planning process set forth in Appendix \_\_\_\_\_, until existing public trails are properly restored, maintained, secured, and managed, and sanitation facilities and security are provided. This should assure an orderly, balanced utilization and conservation of Coastal Zone resources. (California Coastal Act §30001.5(b).)
3. The California Coastal Trail through the Big Sur coastal planning area shall be aligned, planned, managed and maintained consistent with the master plan written using the

planning process laid out in the Coastal Trail Planning Document, which is included in Appendix ????. The County supports this community-based planning process.

4. Restoration of existing public trails (e.g., invasive species eradication) shall take priority over creating new public trails.
5. Physical public access shall be directed out of the Critical Viewshed.
6. Overall, the best locations for public access to the shoreline, public lands and along the coast are already in use or have been used in the past. Major public access areas shall be permanently protected for long term public use. These should be improved and managed properly by designated public or private agencies before new locations are opened.
7. Any new public access shall utilize only existing public lands or existing public easements over private land or land voluntarily offered for trail use.
8. Any new public access shall be sited so as to avoid trespass or impacts on privacy or uses of private property, by maintaining adequate separation between public access and private land or by other appropriate means. The legislative intent of the Coastal Act's public access policy is in part to protect the privacy of the adjacent property owners.
9. As a sound resource conservation principle, any new significant public access shall provide for safety, security, maintenance, and sanitation (California Coastal Act §30001.5(c)).
10. Public access should be discouraged as inappropriate where it would be inconsistent with public safety, privacy, or protection of fragile coastal resources. The County and other public agencies should cooperate with landowners to develop effective methods to direct access to appropriate locations.
11. Visual access in the Critical Viewshed should be protected for long term public use. Where physical access is not appropriate, the development of scenic viewpoints may be appropriate.
12. chap and lateral access on public land is appropriate in some areas along the coast. These opportunities shall be protected for long term public use, subject to adequate management programs,.
13. Trails should be located in areas able to sustain public use without damage to scenic and natural resources or other conflicts. Therefore, new and existing trails should be sited or rerouted to avoid safety hazards, sensitive habitats, and incompatible land uses.
14. The provision of new access or formalization of existing access is to be guided by detailed access management plans, including implementation responsibilities. These should include community ideas and desires to guarantee quality land preservation, be consistent with Coastal Act policies,

and must attempt to positively resolve access conflicts with residential land uses. It is the County's policy to work closely with local citizen advisors and public agencies in planning for access and management.

15. In providing for access, the County seeks to ensure that the rights of residents and property owners, including their peace, privacy, safety, health, and property are not jeopardized by unmanaged, inappropriate (as defined in Policy 6.1.4.3), or irresponsible public access.

### ***6.1.5 Specific Policies***

#### ***A. Shoreline Access Priorities***

1. Access and recreational opportunities shall be provided consistent with public safety and the need to protect rights of private property owners and natural areas from overuse.
2. Physical shoreline access shall be directed out of the Critical Viewshed. Visual access is the highest access priority.
3. The existing shoreline access should be improved and managed properly consistent with safety, aesthetics and infrastructure, before new locations are opened to formal public access by their owners. Maintain the following shoreline access: Andrew Molera State Park, Pfeiffer Beach, Partington Cove Garrapata State Park, Limekiln Creek, Kirk Creek, Mill Creek, Pacific Valley (B), Sand Dollar, Jade Cove, Willow Creek, Julia Pfeiffer Burns State Park(B) and Rocky Point (B).

(B): Bluff top access only

4. The County shall support State efforts to mitigate hazardous traffic, parking along Highway One, and illegal access to the beach at JP Burns State Park.
5. Some areas of the Big Sur coast are too dangerous and not appropriate for formalized public access.

#### ***B. Providing and Managing Shoreline Access***

2. Additional shoreline access may be provided through private property owner's voluntary cooperation with a public agency. Dedications of access easements or offers thereof to an appropriate public agency or private foundation may be required in all locations fronting the shoreline as a condition of new development (except those developments listed in Section 30212(b) of the Coastal Act) unless vertical or lateral access is found to be inappropriate due to conflicts with Critical Viewshed, fragile coastal resources, military security, or public safety or adequate access exists nearby or agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or a private association agrees to accept responsibility for maintenance and liability (for example through an

indemnification agreement) of the accessways.

3. Where access is inappropriate as defined by the LUP policies, the County will use all available means to discourage use of these areas and direct public access to other areas.

Under State law, development cannot interfere with the public's right of access to the sea where acquired through historical use or legislative authorization, including but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Where such public rights will be preserved through dedication of an alternative access route, the substituted location must be at least equivalent in usefulness and area served as the original routing.

3. The County will work with local, state, and federal management agencies landowners to ensure that accessways obtained through acquisition, dedications, and permit conditions are adequately managed and maintained by a public agency. An access management plan that addresses maintenance, security, management, conflicts with any private property, and sanitation is required to be implemented before any accessway is opened to the public.

### ***C. Providing and Managing Trails***

1. Where trails already exist, alignments should remain the same, except where rerouting would be feasible to reduce adverse environmental or visual impacts. The siting of new trails shall require an approved access management plan consistent with this LUP, field inspection and environmental review.
3. . The County may accept voluntary dedication of trail easements on private lands. In general, the County will seek to arrange that such dedications are made from the property owner to the County, the California State Parks or to the U.S. Forest Service if they have the ability and funding to improve, maintain, secure, and manage the trails.
4. The California State Parks and the U.S. Forest Service are the primary agencies responsible for trail planning, construction, restoration, maintenance, management and liability on their respective lands. The County's role will be acceptance of voluntary access easements, and in the review, approval, and enforcement of required management plans related to trails construction and use management.
5. For existing and future public trails crossing private lands, the County requests the California State Parks or the U.S. Forest Service to manage and maintain those trails.
6. Caltrans should directly participate in any detailed trails planning that will require trailhead parking and sanitation within the Highway One rights-of-way.
7. Plans for new trail locations and plans to intensify use of existing trails shall be submitted for review by the State Department of Fish and Wildlife in order to assess the potential impact of such use on sensitive habitats. The Department of Fish and Wildlife is requested to participate with other agencies in determining the most appropriate alignments for new trails and provide management

guide lines where needed to minimize impacts to habitats.

8. Fire and County agencies should review the plans for new trails or increased use of existing trails to provide guidance concerning fire hazard, water supply protection and other considerations.
9. The practice of opening private trails to organized groups on a reservation basis is encouraged in order to reduce conflicts between private and public use.
10. The California Coastal Conservancy is encouraged to assist trails planning and to provide financing and general assistance to the agencies involved.

***D. Public Safety Criteria***

1. Public safety should be ensured wherever shoreline access is provided. In some locations the presence of unavoidable hazards will preclude access from being provided. In other locations, access management plans that address maintenance, security, conflicts with any private property, and sanitation and includes in its design hand rails, stairways, bridges, warning signs, fencing, buffers and other improvements that should be used to reduce risks. Closure of access areas during periods of extreme fire hazard or high seas may also be appropriate.
2. In extremely hazardous areas where safe access to the shoreline is not feasible, existing trails should be closed. In these areas, establishment and maintenance of visual access should be emphasized as an appropriate response to the needs of the public.

***E. Habitat and Resource Protection Criteria***

1. In areas where habitat and resource protection is a major concern, studies should be conducted to determine maximum acceptable levels of public use and methods by which resource values can best be protected. The conclusions of these studies should be a basis for an access management plan for each access location.
2. In locations of sensitive plant or wildlife habitats, access may be entirely inappropriate.
3. Private water supplies shall be protected by locating public access at an appropriate distance from surface, spring, and well water sources.

***F. Visual Resources Criteria***

1. Future land use planning shall be compatible with the goal of providing visual access. To this end, all new structures and ancillary facilities should be located outside of the Critical Viewshed as defined in Chapter 3.
2. Trails and access improvements including stairs, ramps, railings, restrooms and parking facilities should be sited and designed in a manner compatible with the goal of strict Critical

Viewshed protection. In some circumstances, this may limit the establishment of access improvements.

#### **6.1.6 Standards and Guidelines for Improvements to Accessways**

The following standards for the location and design of accessways are meant to carry out access policies through more detailed specifications. These apply to both public and private accessways consistent with protection of Big Sur's unique visual and natural resources. Criteria for the location, distribution and size of accessways shall require that they be consistent with the need to preserve fragile coastal resources, and public safety, and be appropriate for the site and intended use.

1. Management - Public or private agencies responsible for managing coastal accessways shall develop management programs before accessways are opened. Such programs should be coordinated with the management of recreational destination points. Management of access trails must address the following:
  - a) the need for seasonal restrictions, if any;
  - b) the improvements needed for trails, including stairs or ramps;
  - c) the proposed location, capacity, and construction of parking facilities if needed;
  - d) the proposed amenities and issues of sanitation (bathrooms, water, trash, etc.);
  - e) the maintenance and management obligations and how the public or private agencies will meet their obligations; and
  - f) the conflict with any private property including providing adequate separation between public access and private land.

Existing dedications shall be mapped and related management recommendations listed as part of the implementation of the management plan.

2. Visual Appearance – New trails and improvements of existing trails shall be consistent with the Critical Viewshed policies. Structural improvements to accessways should be kept to a minimum to reduce impacts to viewshed and should be allowed only for safety purposes, or where essential for protection of agriculture, fragile natural habitats, archaeologic sites, or private development.

Stairways, ramps, and signs should be constructed of natural materials, or metal where vandalism is a threat. Paint should be avoided to reduce maintenance problems.

Wherever possible, trails (except for trailhead signs) should be designed and sited to minimize visual intrusion.

Grading or cuts required for safety or resource protection should conform to the natural topography. Parking and other facilities such as restrooms should be sited or screened to reduce visual impacts.

3. Trails - The width of trails should be variable based on localized conditions of topography, vegetation, wildlife habitats, scenic concerns, proximity to water supplies or developed land uses. Existing trail corridors can serve as fuel breaks. Trails should generally be kept 3 to 5 feet in width reasonable to protect both public and private resources and uses adjacent to the trail as well as protect local residents' privacy and the public's interest in a quiet and scenic hiking experience.

All plans to improve existing trails should ensure that habitats are protected from overuse. Measures to prevent or reduce impacts should be used, including:

- a) non-improvement or elimination of access to remote fragile areas;
- b) routing or re-routing of trails to avoid habitats;
- c) design features to screen or separate trails and destination points from sensitive resources;
- d) invasive plant removal and revegetation projects, sediment basins, and other site features; and
- e) restriction or redistribution of the number of access points into an area.

Trails should not be sited through or directly adjacent to wetlands. If any access is provided, wood boardwalks or similar structures that minimize impacts to wetland vegetation should be used.

Trails along stream corridors should be sited and designed to avoid impacts to riparian vegetation, wildlife, and water quality. Measures include, but are not limited to, controlling runoff and erosion, contouring and siting trails to conform to the natural topography, and separating and screening from important riparian habitat areas.

Access trails to intertidal areas should be sited to spread the zone of public use rather than concentrate it in a small area.

4. Parking In some locations, parking along the highway is a safety hazard in the Big Sur Coastal Planning Area. Proper signage and law enforcement of unsafe parking are needed. Where feasible, pedestrian access to the west side of the highway shall be provided via tunnel, not by an overpass.

## ***7. ADMINISTRATION AND IMPLEMENTATION***

### ***7.1 PLAN ADMINISTRATION***

This LUP is designed to implement the California Coastal Act. It is a local plan which shall direct the County in making land use decisions in the Big Sur Coastal Planning Area. The advice of local residents shall be routinely sought in the administration of this plan. The County shall work with other levels of government to secure their compliance with this plan; conformance by all public agencies, including Federal and State agencies, is needed for this LUP to work as intended. Other levels of government shall be consulted by the County regarding help, guidance, and resources to implement this plan. However, the County shall have the primary responsibility for implementing the LUP and the efforts of other State and local agencies shall be consistent with this LUP and coordinated with the efforts of the County. This LUP will also provide guidance to the Coastal Commission in its review of Federal projects pursuant to the Federal Coastal Zone Management Act.

The County created the Big Sur Multi-Agency Advisory Council which established a permanent and authoritative voice for the residents of the community of the Big Sur coast to ensure community participation in the coordination and implementation activities necessary to carry out the mandates of the Coastal Act..

#### ***7.1.1 Development Permit Process***

Coastal Development Permits or Coastal Administrative Permits (referred to as coastal permit in this LUP) will be required from the County for development proposed on private or public lands (except excluded public projects on Federal lands). To be approved, permit applicants will be required to demonstrate conformance to the LUP.

1. The proposal must be in conformance with the kinds of uses and use intensities permitted for the specific geophysical area concerned. If a proposal does not meet this basic requirement, it will not be processed further.
2. The second area of review, concerns conformance to the policies of the LUP contained in the Resource Management and Land Use and Development sections, and, if applicable, the Public Access and Highway One/County Roads sections. In particular, the proposed project must fully meet the objectives, policies, and standards for each applicable section of the LUP. If the proposal is not consistent with these policies, it shall not be approved even though it may be consistent with land use designations for the area.
3. All proposals must fully meet any specific zoning provisions adopted to implement the LUP.
4. All proposals must fully comply with the California Environmental Quality Act and meet

the environmental standards of this LUP.

Applicants are responsible for providing all necessary information to support proposals as described in the policies concerning development and resources. Where information is questioned or contested by the County, the burden of proof rests with the applicant. Where additional information is requested by the County, applicants are required to provide such information before further consideration by the County will be given to the proposal.

The County will make a good faith effort to work cooperatively with landowners in the evaluation and processing of development applications as expeditiously as possible. County staff will provide advice and guidance to the public concerning interpretation of provisions of the plan. County staff will prepare written reports supporting all permit recommendations. These reports will summarize the development proposal, pertinent issues and information, and will describe how the proposal meets or does not meet relevant provisions of the plan. The report will contain recommendations on whether the proposal should be approved, approved with conditions, or denied. Permit reports shall be made a permanent part of the record and copies shall be available for public review prior to formal consideration of the application.

### ***7.1.2 Plan Revisions***

The Local Coastal Program will be updated over time as need dictates. Formal amendment procedures will be used to accomplish changes to the LUP or its implementation ordinances. Because the LUP is a Local Coastal Program prepared under the California Coastal Act, any changes made must be consistent with the Act. The Coastal Commission must approve future changes or amendments to the plan. This LUP shall be automatically reviewed after three years of utilization to determine the effectiveness of the implementation procedures.

### ***7.1.3 Appeals***

Appeals to the Coastal Commission may be made, consistent with provisions of the Coastal Act, when individual or group believes the County is not acting in conformance with the plan. The appeals procedure is described in the California Coastal Act.

### ***7.1.4 Public and Agency Participation and Coordination***

The County will cooperate with all other government agencies on matters of mutual interest concerning the Big Sur coast. The format for coordination is described in this implementation section of this LUP. The public forum of the Big Sur Multi-Agency Advisory Council shall be the primary forum for such collaboration. The County will provide technical or policy advice to other agencies as requested and will seek advice on technical or policy matters from appropriate agencies as the need arises.

The County has provided a mechanism for advice and comment from appointed community representatives on permit matters and on all long-range decisions affecting planning and management of the coast, with the Big Sur and South Coast Land Use Advisory Committees. The general public is encouraged to attend and participate in County public meetings and hearings concerning administration of the LUP or processing of development applications.

## **7.2 IMPLEMENTATION**

Implementation of the LUP will require the County, and in some cases, other jurisdictions, to develop and adopt ordinances, procedures, or agreements in addition to the LUP in order to carry out the LUP policies and diagrams. The major implementation measures that the County should adopt are described here.

### **7.2.1 Zoning Ordinance Changes**

#### **A. Rezoning**

Rezoning of the Big Sur coast will be necessary to reflect this LUP. In accordance with State laws, the uses, densities and locations of zoning revisions must be consistent with the Land Use Plan Map and policies. Zoning should be adequately flexible to permit the range of uses and densities provided for in the LUP.

The County shall implement the zoning districts consistent with the land use designations as described in this LUP.

#### **B. Development Permits**

All development in the coastal zone will be required to obtain a development permit from the County that will be approved based on demonstrated compliance with the LUP and all its provisions. However, flexibility is granted to address conflicts between policies.

Some forms of development, similar to that exempted in the Coastal Act, may also be exempted from obtaining a coastal permit from the County. Final action on coastal permits will be taken by the County Board of Supervisors for standard subdivisions; all other development will be considered by the County Zoning Administrator or Planning Commission subject to administrative appeals.

#### **C. Site Plan Review**

Projects applying for a coastal permit will undergo a comprehensive site plan review to determine the consistency of the proposed project with the LUP. The applicant will be permitted flexibility to develop in any manner which is consistent with any of the variety of uses and densities included in the particular zoning district, and which meets the performance standards set forth in the LUP.

#### **D. Performance Standards**

Environmental performance standards are incorporated in the LUP in the form of specific policies designed to protect riparian and forest areas, wildlife habitats, and other sensitive environmental concerns. As the carrying capacity of the coastal areas is determined through improvements in the data

base and available information, the policies or amendments to the implementation ordinance will be refined to include quantified performance standards.

### ***E. Minimum Size of Parcels***

The minimum size of parcels permitted in land subdivision is based upon the necessity to prevent harm to the existing natural uses of the land.

The Watershed and Scenic Conservation land use designation will permit subdivision at a density rate of 40 acres or more per parcel as a means of deterring further development from harming the rural character of the land. Larger minimum parcel sizes will apply on steeper lands. In addition to one residential unit permitted on such parcels, certain other uses will be permitted in accordance with this LUP.

Existing legal lots of record which are smaller than the stated optimum size in the zoning district will be permitted to develop in a use consistent with those included in the zoning district as long as the proposed project meets the performance standards of this LUP.

Parcels will be permitted to be subdivided on the basis of density standards of the plan. A review of the land according to local coastal program performance standards may demonstrate that a lesser intensity of development is appropriate. If such review demonstrates that the particular parcel will support a higher intensity of use, the applicant may develop at the higher density upon purchase of development credits from other parcels in the Critical Viewshed.

### ***7.2.2 Government Coordination and Local Participation Framework***

A framework or structure for improved coordination between the numerous governmental agencies involved on the Big Sur coast has been developed to resolve issues of mutual concern. The County created the Big Sur Multi-Agency Advisory Council in July 8, 1986, and is composed of elected representatives, federal, state and local agencies, and community representatives. The Council has been instrumental in identifying local issues and developing frameworks for remedying the issues. This Council is vital to the success of this LUP.

Additionally, careful planning and usage of the Big Sur coast due to the limitation of highway capacity is a responsibility shared by Monterey County and San Luis Obispo County. Assurances are needed that development contemplated for the San Simeon coastal area does not adversely affect access to the Big Sur region as a whole. .Because the U.S. Forest Service owns 78,439 acres in the Big Sur Coast Planning Unit--roughly 54 percent of the total area--and because the Federal Coastal Zone Management Act of 1972 excludes all lands subject to exclusive federal jurisdiction from the California Coastal Zone, special means should be developed to assure that the development, use, planning and management of these federal lands is coordinated effectively with the implementation of the LUP. The County, therefore, requests its representatives in the United States Congress to explore the need for federal legislative authorizations and mandates to the U.S. Forest Service to assure that its development, use, management and administration of Los Padres National Forest lands is consistent with this LUP.

### ***7.2.3 Big Sur Coast Data Base***

Following adoption of this LUP, the County will use all available information about the natural and cultural resources of the Big Sur coast developed in the planning process in its review of development applications and in other actions relating to the management of the coast. This body of information will be supplemented or updated from time to time as new information is available to the County.

The 1980s background reports and written responses to them are the foundation of the data base. This can be supplemented by information provided by property owners during the course of development applications or by other agencies in their individual activities. The information will be maintained in the County Planning Department and as far as possible in the County Branch library in Big Sur. Maintained as a collection of information in a central location, the data will be readily available to the public, other agencies, and County officials. During review of any projects or activities on the Big Sur coast, the County staff is required to review available and pertinent information and include it in recommendations about projects or activities in the area.

All existing information will be integrated with the County Planning Department's present data base and included in the Department's information. At least once a year the County staff shall prepare a summary and bibliography of new information received during the preceding year.

#### ***7.2.4 Transfer of Development Credits (TDC)***

TDC's comprise a system that will assist the owners of lots restricted in their residential development potential by Critical Viewshed policies contained within the LUP. They provide an economic/planning incentive under which density credits can be reallocated within the Big Sur Coastal Planning Area and outside the Critical Viewshed.

##### ***7.2.4.A Key Policies***

A transfer development program shall provide:

1. Owners of "Critical Viewshed lots" fair and real opportunities to build in Big Sur.
2. Incentives for preservation of large private ranches in the Critical Viewshed in agricultural operations, and permanently protect the Critical Viewshed.
3. Economic compensation in the form of density credits for lots rendered unbuildable due exclusively to LUP Critical Viewshed policies.

##### ***7.2.4.B General Policies***

1. Any non-Critical Viewshed parcel in the Big Sur Coastal Planning Area is a potential "receiver" site provided development proposed for it meets the LUP's development and siting standards and the TDC program rules ..
2. "Critical Viewshed lot" owners would have the right to transfer residential development potential from such restricted parcels and to build two residential units elsewhere in the Big Sur

Coastal Planning Area or transfer two development credits for each lot retired subject to the criteria of LUP Policy 3.2.6.3.

3. Large ranches would have the option to cluster their credits to non-Critical Viewshed sites east of Highway One, to apply for development within the rules specified in the LUP, transfer density credits to their property, or any combination of these alternatives.

### ***7.2.5 Conservation Easements***

Conservation and Scenic Easements and Williamson Act Contracts, which are voluntary programs, provide tax benefits when such enforceable restrictions on the use of land limit the amount of development on a parcel.

The County adopted a policy directing the requirement of these Conservation and Scenic Easements for the varied resource protection uses. . Any such easements shall be required only when they meet Constitutional nexus and proportionality requirements. County land use regulations such as zoning and subdivision ordinances contain these requirements. Each such easement or deed restriction shall include the particular findings upon which it is based.

The County should also consider having the Coastal Conservancy, because of its legislated resource protection role on the coast, named as grantee of the Conservation and Scenic Easement. Alternatives could include continuing the County as grantee but contracting out enforcement to a nonprofit agency such as the Coastal Conservancy, or giving the grantor a choice of grantees from a list of appropriate nonprofit organizations.

State legislation permits Williamson Act Contracts to be executed for reasons very similar to the ones for which Conservation and Scenic Easements are permitted. While it is generally thought that property tax advantages of Williamson Act contracts have been lost in the passage of Proposition 13, the contracts remain a viable enforceable restriction along with Conservation and Scenic Easements. Consideration should be given to decreasing both the present minimum acreage requirement from 40 acres to 20 acres and the length of such contracts from the present 20-year term to 10 years.

Conservation and Scenic Easements are the appropriate vehicle which could be made available for coastal resource protection. They are different from Williamson Act Contracts in that they must be in perpetuity.

#### ***A. Private Voluntary Action***

Individual landowners are encouraged to voluntarily undertake those activities on their property which can help mitigate the types of environmental or visual problems discussed in this LUP. In many cases, simple landscape screening or repainting of a structure would do much to restore scenic beauty in highly visible areas. Screening of private roads as needed would also be beneficial. Private work, in some cases,

is needed in riparian areas to alleviate impacts to streams. In other areas, improved control of erosion or soil loss from sites during rain storms would help protect water quality in coastal streams.

***B. Action by Other Government Agencies***

All other government agencies are requested to undertake needed coastal restoration work in their areas of jurisdiction in order to realize the objectives of this plan. California State Parks , Caltrans, and the U.S. Forest Service , in particular, are requested to work toward the restoration of environmental and scenic qualities of lands they manage.

***C. Site Planning***

The County can achieve necessary restoration on private and State lands by requiring such work as a condition of permit approval, consistent with nexus and proportionality requirements. This technique should be used within reason whenever feasible and necessary to remediate conditions that are a threat to lives, property, or resources.

***D. Transfer of Development Credits (TDC)***

Given that development is prohibited within Critical Viewshed, TDCs are allowed. to .

***E. Acquisition of Critical Viewshed Parcels***

Acquisition by a public agency of privately-held land in the Critical Viewshed may be beneficial as a restoration project where it reduces the commitment to development. In certain instances, acquisition may be the only reasonably effective tool for avoiding problems relating to Critical Viewshed development. This LUP proposes that acquisition be used as a means of avoiding development on Critical Viewshed parcels for which no other planning remedy can be found. Acquisition can be carried out by Monterey County, by various State agencies, such as California State Parks or the California Coastal Conservancy. The County should take a favorable posture toward acquisition of undeveloped parcels that are totally within the Critical Viewshed. The County should invite purchase of these parcels by State agencies and, in particular, should support the assistance of the Federal government through the U.S. Forest Service in acquiring such parcels within their boundaries, either in fee or simply through the purchase of development rights or easements.

In 1987, through Proposition 70, the County obtained \$25 million to compensate owners of parcels rendered unusable by the Critical Viewshed policy. Those funds have been spent. Because the County currently lacks sufficient funds to compensate landowners for not developing any remaining undeveloped parcels that may exist in the Critical Viewshed and because the County lacks funds to acquire Conservation and Scenic Easements over large parcels in the Critical Viewshed, it hereby requests that its representatives in the California State Legislature and the United States Congress provide State and Federal funds to the County for these purposes.

***F. Coastal Conservancy Projects***

The Coastal Conservancy has been established with a broad range of powers and capabilities, all aimed at the conservation of important coastal resources. The Conservancy can perform planning studies, purchase land for various purposes, and can resell them on the private market to "rollover" and regain its capital outlay. . The Conservancy should work cooperatively with the County on restoration programs by nomination of potential Conservancy projects and participating in the development of the project. The Conservancy is encouraged to develop affordable housing on any land it acquires.

#### ***G. Nonprofit Private and Public Conservancy Foundations***

Private organizations have assisted in the conservation of important natural and cultural values. These organizations can purchase land in fee or simply acquire easements. The County encourages the retention of members of the Big Sur community on any land acquired by private organizations for conservation purposes..

#### ***7.2.6 Enforcement Program***

Monterey County's Local Coastal Program will be only as effective as its enforcement. Several recommendations for a more effective enforcement program will follow. When the 1986 LUP was being written the cost of obtaining a coastal permit was twenty-five dollars, and the permit application consisted of two pages and could be filled out in a fraction of an hour. At the time of this writing in 2016, it is not unusual for the cost of obtaining a coastal permit to be fifty-thousand to well over two-hundred thousand dollars, and permit applications can take years to complete. The enforcement program shall be developed only after the County's coastal permit process has been updated to ensure that the total cost in money and time to obtain a coastal permit is reasonable and readily affordable to landowners of modest means.

County Planning staff should be increased in order to provide more onsite review of proposed development and more explanation to applicants about permit restrictions. Extra planning staff is also needed to perform regular inspection of continuing coastal permit conditions.

Because of the County Counsel's role as advisor in planning matters, violations of the subdivision or planning ordinances will be referred to the County Counsel's Office rather than to that of the District Attorney when such follow-up is deemed necessary by the County Planning Department. In addition, land use violations in the coastal areas should be punished by imposition of civil penalties provided for in the Coastal Act, rather than by current misdemeanor prosecution.

The County also has a duty to pursue legal remedies against persons who illegally use open space or similar easements granted to the County. The County must not only enjoin such misuse, but must also seek recovery of damages for such misuse.

Jurisdiction problems which may arise when the County attempts to enforce the Local Coastal Program on State lands can be precluded by requiring State consent to County inspection as a condition of approval for coastal permits granted to State agencies. Federal agencies will be requested to submit to an enforcement program as part of a Memorandum of Understanding among agencies involved in the Big Sur Coastal Planning Area.