

Exhibit A

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From: califwayoflife@aol.com
To: [Beretti, Melanie x5285](#)
Subject: Recent STR Ruling
Date: Wednesday, November 08, 2017 5:57:19 PM

Melanie ,

I would appreciate you adding this to the record for the upcoming hearing on STRs .
I have included the link and the article in this email .
Thank you and your staff for you work .

Gwyn De Amaral
Carmel Highlands

http://www.dailyastorian.com/Local_News/20171107/gearhart-voters-reject-repeal-of-vacation-rental-rules

Gearhart voters reject repeal of vacation rental rules

By [R.J. Marx](#)

The Daily Astorian

Published on November 7, 2017 8:09PM

Last changed on November 8, 2017 9:17AM

GEARHART — After months of debate and nearly five years of discussion, voters on Tuesday decisively rejected a ballot measure that would have repealed Gearhart's vacation rental rules.

The measure was failing 77 percent to 23 percent with most votes counted.

"I am just ecstatic," Jeanne Mark, an opponent of the measure, said. "This definitely tells me where the town is and what they want. We made it happen."

Mark, along with more than 100 other residents who campaigned against the repeal, filled a room at McMenamins Gearhart Hotel and shared their moment of victory.

"All of us did this together," Mayor Matt Brown said. "This was a true grassroots movement like nothing I've ever seen. I think this was really the epitome of the community coming together to fight for what I think is right: a sustainable, residential Gearhart."

City Councilor Sue Lorain was also happy. "This vote means we will continue to have our residential feel. It is a win — and it is a win for all of Gearhart for trusting their local officials."

As of Oct. 1, 81 vacation rental permits have been issued under the ordinance enacted last fall, 57 of which are complete and processed, according to the city administrator.

The ballot measure would have changed limits on permit transfers and maximum occupancy and repealed special regulations imposed on vacation rentals. The rules cover off-street parking, residential appearance, garbage service, septic sewer capacity inspections and cesspool prohibitions.

The measure would have also eliminated a requirement that a 24-hour representative be able to physically respond to the site within 30 minutes and removed a limitation on the number of vacation rentals.

A public vote would have been required for any future amendments to the vacation rental ordinance or any subsequent ordinance relating to vacation rentals.

"Fear is a powerful force," David Townsend, a repeal supporter, said. "Gearhart has chosen its path ... only time will tell."

Road to regulation

The trail to Measure 4-188 began in 2013, when city leaders and residents sought to improve the stock of long-term rental housing amid concerns about how vacation rentals in residential zones can negatively affect the city's atmosphere and livability.

At the time, the taxing ordinance for short-term rental properties provided exemptions for the approximately 50 single-family homes rented out under the city's guidelines. Repeal of that tax came nearly three years later, when short-term renters were required to pay the city's 7 percent lodging tax. By 2016, the nature of the internet and booking trends through companies like Vacasa and Airbnb added to scrutiny of short-term rentals. Residents in favor of regulating vacation rentals cited Gearhart's comprehensive plan, written in 1994 and expressing the intent to recognize the importance of the city's residential neighborhoods and the need to protect them from the negative impacts of rental property. Complaints that out-of-town management was unable to promptly reply to public safety concerns led to an increased call for regulation, including a provision requiring 24-hour owner contact information.

Property rights

In presenting Measure 4-188 to voters, opponents of regulation stressed property rights and said the rule changes go "far beyond" common-sense measures. "It's been a long haul and it's been worth it," Planning Commissioner Terry Graff, an opponent of the repeal, said after election results were delivered. "You have to thank the worker bees who worked out of their kitchens to pull this off for the city of Gearhart." Tuesday's vote could lead to further discussion of the short-term rental ordinance, Lorain said. "I would like to see where we are in a year, evaluate where we are and see what we need to do to change it." Brown opened the door to potential changes. "I think we should look at this law every single year," he said. "I think we should ask what are the ways that we can improve this law for everyone in the community."

Measure 4-188

Shall Gearhart's vacation rental dwellings ordinance be repealed and replaced?

Yes/23% (178)

No/77% (592)

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: [Michelle Alway](#)
To: [Beretti, Melanie x5285](#)
Cc: [Bowling, Joshua x5227](#); [Martha V Diehl](#); [Vandevere, Keith](#); [100-District 5 \(831\) 647-7755](#)
Subject: Re: * Beautiful Carmel Meadows Getaway - Houses for Rent in Carmel-by-the
Date: Tuesday, November 07, 2017 12:26:57 PM

Melanie,

I do not know for a fact that there has been any code violation yet on the short term rental I emailed you about, but I question whether advertising for special events in a short term rental property in this residential area is appropriate. What I know for sure is that I would not want to live next door to these houses.

The purpose of my email was to point out that they are advertising that the property is appropriate for events of up to 25 people. This certainly takes the neighbor out of the word neighborhood, and in fact leads one to believe that there is a mini hotel located at the property. This property is a business, not a private residence and is contrary to the LDR zoning. My point was that Carmel Highlands is not a proper venue for special events in residences. There is another one next door that is operated by the same property management company, and advertises events for up to 25 people:

Dobbas, Donald J. & Linda L. Manager - Luxury Retreats *See below information

2610 Ribera Rd. APN 243-041-014-000

Carmel, CA 93923

[La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea ...](#)

<https://www.airbnb.com/rooms/21040695>

Oct 14, 2017 - Entire home/apt for \$2143. From the sweep of the California coast out to Point Lobos to the Arts and Crafts architecture and bright modern interiors ...

[About | Luxury Retreats](#)

<https://www.luxuryretreats.com/about>

Learn more about Luxury Retreats, how it started, who's part of the leadership team and recent press coverage.

If you google who owns Luxury Retreats, you will find it's a Joe Poulin, lives in Montreal Canada! Seems he ventured into the US and our little community fairly recently...

[The Young Founder Behind a \\$100 Million Luxury Travel Business](#)

I am deeply concerned with what short term rentals are doing to our low density residential zoning.

I deeply appreciate all your efforts.

Michelle

On Nov 2, 2017, at 2:33 PM, Beretti, Melanie x5285
<BerettiM@co.monterey.ca.us> wrote:

Received.

Do you wish to file a formal complaint with Code Compliance?

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

From: Michelle Alway [<mailto:michellealway@gmail.com>]
Sent: Tuesday, October 31, 2017 12:30 PM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; Martha V Diehl <mvdiehl@mindspring.com>; Vandever, Keith <VandeverK@co.monterey.ca.us>
Subject: * Beautiful Carmel Meadows Getaway - Houses for Rent in Carmel-by-the

This STR advertises that it can also accommodate events up to 25 people. This is what is happening to our little community in the Coastal Zone - homes are being sold for the purpose of running them like hotels and as a business. When you put in a sample date - we used a January weekend, it will allow a rental of just 4-5 days. When houses are rented out for weekends, they bring to our neighborhoods people who are here on vacation or to party, or to have events. It is not the same clientele who would rent for 30 days or more. Turns out this STR is right next door to another one. However, this "hotel" has more beds. Please make this part of your record.

[Beautiful Carmel
Meadows Getaway -
Houses for Rent in
Carmel-by-the-Sea,
California, United
States](#)

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#)
Cc: [100-District 5 \(831\) 647-7755](#); [Gwyn De Amaral](#); [Michelle Alway](#)
Subject: Fwd: Nov. 13, 2017 Special PG city council meeting at Comm. Center at 5PM
Date: Monday, November 06, 2017 4:54:47 PM

Please include in the record

Begin forwarded message:

From: John Moore <jmoore052@gmail.com>
Subject: Nov. 13, 2017 Special PG city council meeting at Comm. Center at 5PM
Date: November 6, 2017 at 3:37:12 PM PST
To: Bill Kampe <bkampe@cityofpacificgrove.org>, "k. cuneo" <kencun17@sbcglobal.net>, Cynthia Garfield <cjgarfield@sbcglobal.net>, huitt <huitt@comcast.net>, Nicholas Smith <nicksmith20@gmail.com>, Bill Peake <billpeakepg@gmail.com>, Rudy Fischer <rudyfischer@earthlink.net>
Cc: Carly Mayberry <cmayberry@montereyherald.com>, "paul@carmelpinecone.com" <paul@carmelpinecone.com>, Mary Duan <mary@mcweekly.com>, "editor@cedarstreettimes.com" <editor@cedarstreettimes.com>, Alec Murdock Outside the Box <AlecOTB@arrowkite.com>, citymanager@cityofpacificgrove.com, David Laredo <dave@laredolaw.net>

The purpose of this letter is to assure a permanent record to prove that the five of you, ex-Peake and -are wilfully and knowingly violating your oath to uphold the laws of the city and of the state of Ca.. which specifically prohibit STR of the type described in the city STR ordinance adopted by members Kampe, Cuneo, Fischer, Garfield and Smith.

I have previously written at length wherein with precise specificity I directed the five of you to the provisions of the City General Plan, that specified that the STR ordinance was and is illegal.

You have wilfully and knowingly chosen to avoid that law, but, I will provide you with specific proof that your STR ordinance is also illegal because it specifically and unambiguously violated and violates Ca. Govt. code section 65852.

Section 65860 sets forth the type of zoning regulations that a city may impose, including restrictions on uses. Section 65851 says that for purpose of zoning regulations, cities may divide the city into zones.

Section 65862 specifically provides that the regulations provided in 65850 , must be UNIFORM within the zones contemplated by 65851. Your STR ordinance restricts the number of residential parcels that may act as commercial STR to 250 and that is a specific violation of the government code.

The lead case, as additional specific proof of my point, is the case of "NEIGHBORS IN SUPPORT OF APPROPRIATE LAND USE v. COUNTY OF TUOLUMNE (2007). In finding that a commercial use allowed in a non-commercial zone violated Govt. code 65852, the court said:

"A zoning scheme , after all, is similar in some respects to a contract,

Each party foregoes rights to use his land as he wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restrictions can enhance total community welfare(Citations)."

Note that the court held the discriminatory use invalid, it did not expand the illegal use to all other parcels in the zone.

It is not for me to characterize the type of council members that knowingly violate the city zoning laws, except to say that this is an extraordinary case of plain old dishonesty on your part and one that threatens the family way of life described in the city charter, general plan and zoning laws

. John M. Moore, City of PG corruption reformer.

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Cc: [Gwyn De Amaral](#); [Michelle Alway](#); [John Moore](#); [Lorraine Oshea](#); [Kate Hardy](#); [Joseph Bileci](#); [Jenny McAdams](#)
Subject: Local Registered Sex Offender an Air BnB Host
Date: Monday, November 06, 2017 8:39:45 AM
Attachments: [How a registered sex offender wound up living in an Airbnb hosting unsuspecting guests - SFGate.pdf](#)

Please include this in the formal record. And make sure whatever rules you have make sure this simply cannot happen ever again.

"How a registered sex offender wound up living in an Airbnb hosting unsuspecting guests"

http://www.sfgate.com/technology/businessinsider/article/How-a-registered-sex-offender-wound-up-living-in-12333259.php?utm_campaign=email-tablet&utm_source=CMS%20Sharing%20Button&utm_medium=social

SFGATE

http://www.businessinsider.com/how-registered-sex-offenders-may-not-be-spotted-by-airbnb-2017-11?utm_source=hearst&utm_medium=referral&utm_content=allverticals

How a registered sex offender wound up living in an Airbnb hosting unsuspecting guests

Julie Bort, provided by

BUSINESS INSIDER

Published 6:29 am, Sunday, November 5, 2017



IMAGE 1 OF 19

* A concerned citizen tried to alert Airbnb that a known registered sex offender was living in a house being rented out on the platform.

* But this offender, although registered, was not listed in the public sex

[... more](#)



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DAILY NEWSLETTER

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Criminal records/Airbnb

- **A concerned citizen tried to alert Airbnb that a known registered sex offender was living in a house being rented out on the platform.**
- **But this offender, although registered, was not listed in the public sex offenders database.**
- **The situation raises questions about the safety checks Airbnb – and other companies– can do.**
- **It also serves as a warning that the public sex offender database is an imperfect source of information.**

To most people, the term "registered sex offender" makes them think of a convicted rapist who has been released from prison, whose location is now visible in a database for all.

Each US state maintains this public database on the internet, sometimes referred to as the Megan's Law database.

But what most people don't know is that it's possible for someone to be a registered sex offender and not be found anywhere on it.

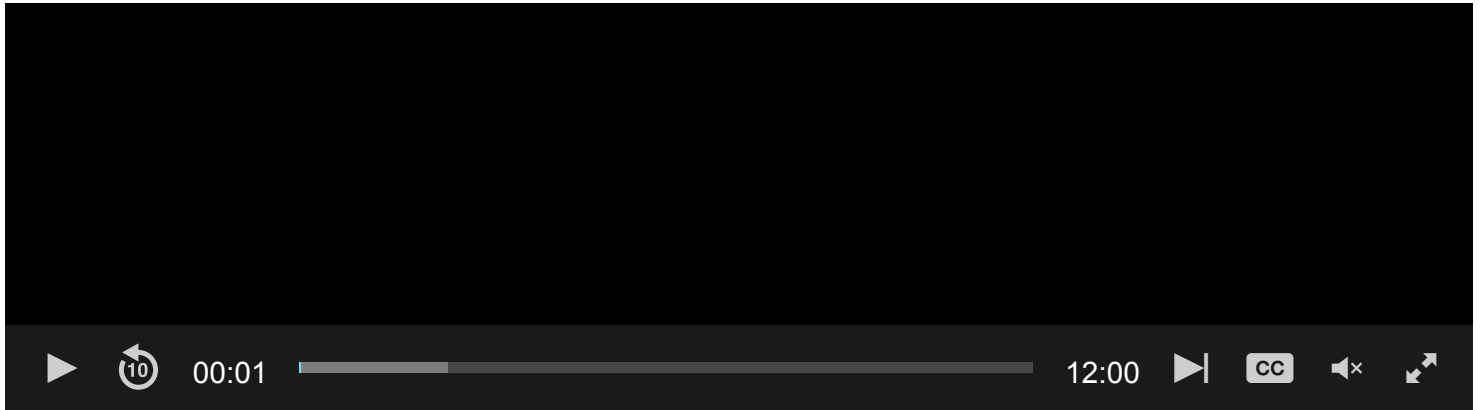
That means that the person won't show up when a concerned citizen is searching for sex offenders by zip code. They also won't show up if a search is done by the person's name or address, and they won't be visible when the database is used for a background check by a potential employer, experts say.

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Buzz60



FOX Business Beat: Monday, November...
Video Elephant

And that's how an infamous registered sex offender in the upscale community of Carmel Valley, California, wound up living as a host in an Airbnb, regularly entertaining guests — even though Airbnb was notified about his history by at least one person who recognized him, according to documents seen by Business Insider.

The situation points to a frightening idea: that Airbnb may not always be aware of all the people living in the homes rented out on its platform, or the people who have access to them, and wouldn't have done its typical safety checks on them.

SHH, DON'T TELL AIRBNB

There were a lot of people who recognized this man. His name is Carl Bergstrom, a former wealthy "concierge" doctor in the area whose sensational and lurid 2009 rape trial in the sleepy community of Carmel, California, was **closely covered by the local media.**



Although the community knew his history, it was very difficult for Airbnb to know it. For one thing, he wasn't listed as the Airbnb host.

The home was listed by the woman he lived with, "Sharon" a little over a year ago, and her host rating was high. And, like many people in Carmel, Sharon knew of Bergstrom's background.

"Carl is not on Megan's list or my Airbnb so someone must have pointed us out to you?" she told us when we asked if she had told Airbnb that Bergstrom was living there.

"People know Carl lives there, but the public doesn't know," one person who lives in the area told us. "They [Airbnb] won't allow you to rent if you are registered sex offender, but what if someone is living in your house? I don't think people are aware that people can be a registered sex offender but not

disclosed."

When Business Insider contacted Airbnb with questions about what it knew about Bergstrom living in the house, and how it knows to perform background checks on other adults in a house if the host doesn't disclose them, Airbnb didn't answer our questions directly.

It did, however, tell us that as a result of our inquiry, it had banned Sharon and her Carmel Valley home from its platform.

"Hosts need to be transparent about who has access to their home (so we can check) and not doing so can lead to removal like in this case. We removed this host and this listing from our community," said Nick Shapiro, Airbnb's Global Head of Trust & Risk Management.



Danny And Trisha
June 2017

 Report

 Helpful

Spent two weeks here and it was just wonderful. Unfortunately, it included a 2-day stay in the hospital for myself, and both Sharon and Carl took very good care of my wife. Sharon and Carl were great hosts and their advice for things to do in the local area were excellent. The view was spectacular and the accommodations were great. We would definitely recommend this place to anyone who wants a very nice "home base" with perfect weather and relaxing environment. It is 15 minutes from the beach and 5 minutes from the quaint Carmel Valley Village. Sharon and Carl were extremely accommodating for us and our two dogs, and great to interact with. We've made two great new friends!!

Screenshot/Airbnb

THE LURID RAPE TRIAL OF THE CONCIERGE DOCTOR

Before his arrest in 2009, Bergstrom was known in the community as a wealthy "concierge" doctor in the area whose patients paid to keep him on a full-time retainer.

On the night that landed him in prison, he met up with a woman at a bar, **according to trial testimony.**



AirbnbThey drank a lot and went back to his place where she passed out, she testified. She alleges that she woke up to him assaulting her. Bergstrom maintained his innocence at trial, saying that the sex was consensual.

The woman called 911 that night and the Carmel police found her on the curb outside his house at about 3 a.m. crying hysterically.

At trial, prosecutors presented two other women who also accused him of other incidents, although neither had previously filed charges. Both women testified they thought they may have been drugged.

Prosecutors also presented evidence that Bergstrom sold cocaine and Bergstrom admitted at trial that he had traded prescription drugs for cocaine.

The case delved into **many lurid details** about his lifestyle and sexual proclivities and captured the public's attention. A jury convicted him of the charge of felony "forcible sodomy" and sentenced him to six years in prison.

After conviction, he gave up his license to practice medicine, just as governing bodies had taken steps to revoke it, **according to news reports at the time.**

While in prison, he appealed his case. The appellate court overturned the verdict, finding the judge had given poor jury instructions on how to decide Bergstrom's guilt. The appellate court didn't declare that he was innocent. It authorized a new trial.

But there were reasons why a second trial would be hard to pull off, including that the victim didn't want to go through the whole ordeal again, **according to news reports.** Instead, the district attorney struck a plea deal with Bergstrom. He agreed to plead no contest to a lesser charge of felony sexual battery, **according to news reports** and court records seen by Business Insider. He was ordered to pay fines and restitution and he was released from prison for time served.

As part of the plea, Bergstrom agreed to be a registered sex offender for life. Commander Johnathan Thornburg of the Monterey County Sheriff's department confirmed to Business Insider that "he is currently registered."

But here's the catch: his plea was for an offense allowed to be excluded from the public database.

The screenshot shows the California Megan's Law Website interface. At the top, there are navigation buttons for 'Home' and 'Menu'. The header text reads 'California Megan's Law Website' and 'State of California Department of Justice Office of the Attorney General'. Below the header, there is a 'Name Search' section with input fields for 'First Name' (containing 'Carl') and 'Last Name' (containing 'Bergstrom'), and a 'Search' button. To the right of the search fields, a 'Search Type' dropdown is visible, and below it, the text 'No matches' is displayed. A modal dialog box is open in the center-right, titled 'No matches', with the message 'No offenders matched your search. Edit your search and try again.' and a 'Close' button. On the left side of the search section, there are links for 'Address Search', 'City Search', 'ZIP Code Search', 'County Search', and 'Near Me'. At the bottom of the search section, there is a checkbox for 'Include Transient Offenders*' with a note: '*Registered Transient Offenders can only be viewed through the 'Show List' function and will display for the associated county'.

California Megan's Law website When Business Insider contacted the Monterey County District Attorney office to ask about the exclusion, the assistant district attorney we spoke to seemed surprised.

The assistant DA told us he thought Bergstrom "should be" in the database, and actually checked it himself while we were on the phone. But he's not. Not by name. Not by address.

Although this attorney had prosecuted other sexual assault cases and said he was "familiar" with Bergstrom's case, he told us he didn't work on it himself.

He told us that sometimes prosecutors strike plea deals and that he wasn't familiar enough with the sexual battery statutes that covered this particular deal.

Business Insider asked Bergstrom to contact us and comment on this story through our communications with "Sharon" but he did not respond.

REGISTERED BUT NOT REVEALED

All of this explains why Bergstrom's past may have gone unnoticed by Airbnb, even if people in the Carmel community alerted the company to his presence in the house.



AirbnbMost states have rules that allow some convicted offenders to be excluded from the public database, says Amber Widgery, Senior Policy Specialist for the Criminal Justice Program at the National Conference of State Legislatures.

For the most part, the people excluded are considered low risk to the public. They may have been

convicted of a misdemeanor, for instance.

Or they may be excluded so as not to expose the address, and/or identity of the victim. One example is an offense committed against a child by a relative who still lives with the child, like a parent, sibling, aunt/uncle or grandparent, according to the application for exclusion, California Penal Code 290.46. That circumstance only applies to offenses that didn't involve a substantial incident with the child.



Sherlyn
July 2017

Report

Helpful

We had the best time staying here! It was so perfect for what we wanted to do. We stayed with Sharon & Carl July3-July5. If you want quiet and don't mind a 20ish minute drive to Carmel this is the place! There's also a small shopping area with places to eat in the Village but note the time, since it is a small place they may close early. The Village Market closes late so you could grab a snack and some wine or something. There are restaurants in the Village but double check because some places are by reservation only. There is a nice strip of land(the Airfield) that a lot of the locals walk around with their dogs, walks around in the morning or before dinner. Speaking of dogs.. we met Their 3 dogs-Cooper, Ruby, & Jack, their forever visitor dog- Odie, and their cat-Garfield. They all stay upstairs except for Garfield who likes to roam around. Sharon is full of info about the area, wine, what to eat.. etc. such great hosts! We're planning on coming back for next 4th of July weekend! (FYI: Illegal fireworks in Monterey & Carmel. Plus there's a lot of cops out.) Our pup had a blast, thank you again for having us!

Screenshot/Airbnb

EXCLUDED BY NOT INVISIBLE

The upshot is that there are registered sex offenders excluded from the public database for all sorts of reasons.



AirbnbAnd this makes it harder, though not impossible, for community/sharing-economy startups such as Airbnb to detect them, even when they routinely do background checks.

In Airbnb's case, it remains unclear how the company discovers and checks on other adults living in a home besides the host if the host hasn't notified the company.

Airbnb's **publicly available policies** about background checks do not discuss its requirements about roommates, spouses or others who have access to the house.

Airbnb's Shapiro did say the company uses technology to watch for "signals" that may indicate something unsafe is going on but he declined say if one of those signals would alert the company to additional adults who have moved in with a host and be in need of a background check.

On the other hand, it may be comforting to know that the public sex offenders database isn't the only source for a background check, even for sexual offenses.

If a person has been convicted of a felony offense, that information can still be uncovered by doing a more thorough, formal background check that includes a search of state criminal records.

Airbnb's Shapiro tells us that for all US residents who apply to be a host and who have been disclosed to Airbnb, the company does do such "background checks looking for prior felony convictions, sex offender registrations, or significant misdemeanors. We are working with additional governments around the world to identify where we can do more background checks."

He adds, "more than 200 million guests have had safe, positive experiences on Airbnb."

In the meantime, for concerned Airbnb users, it doesn't hurt to ask your next host about the other people who will be in the home with you, just as the Airbnb host has a right to ask you about the people you'll be bringing into their home.

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See Also:

- [Here's what Trump's new tax plan means if you're making \\$25,000, \\$75,000, or \\$175,000 a year](#)
- [Netflix fires Kevin Spacey from 'House of Cards'](#)
- [Airbnb hosts charged with murder in the death of a guest in Australia](#)

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H E A R S T



McDougal, Melissa x5146

From: Michelle Alway <michellealway@gmail.com>
Sent: Wednesday, November 01, 2017 1:20 PM
To: Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Martha V Diehl; Vandever, Keith
Subject: Supporter comments · City Council and Mayor of Pacific Grove: Pacific Grove residents are demanding their neighborhoods back. · Change.org

Please include in the record the following Article from the Coast Weekly, and Comments in the [change.org](https://www.change.org/p/city-council-and-mayor-of-pacific-grove-pacific-grove-residents-are-demanding-their-neighborhoods-back/c?source_location=petition_show) petition, bringing to light the fact that the residents of Pacific Grove do not all believe that the STR policy in that city is working, or a good idea. I believe that Monterey County should follow the guidelines of Carmel and Monterey, and consider these comments by local residents in Pacific Grove (as opposed to listening to those with a financial interest in STRs). Thank you. Michelle Alway, Carmel Highlands CA (michellealway@gmail.com)

Article from Coast Weekly: P.G.'s short-term rental ordinance is popular—outside of the city—and is set for change. [Pam Marino](#) May 17, 2017

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https://www.change.org/p/city-council-and-mayor-of-pacific-grove-pacific-grove-residents-are-demanding-their-neighborhoods-back/c?source_location=petition_show

[Skip to main content](#)

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Fwd: Short Term Rental Alliance

File

Message

McAfee E-mail Scan

Adobe PDF

Tell me what you want to do

Ignore

Junk

Delete

Reply

Reply All

Forward

More

Meeting

Move

OneNote

Actions

Rules

Mark Unread

Categorize

Follow Up

Translate

Find

Related

Select

Zoom

Delete


Respond

Move

Tags

Editing

Zoom



Thu 10/26/2017 10:15 AM

Robert Danziger <bobdanziger@mac.com>


Fwd: Short Term Rental Alliance Of California

To 100-District 5 (831) 647-7755; Beretti, Melanie x5285

You replied to this message on 11/02/2017 2:49 PM.

For the record

Posts



Short Term Rental Alliance Of California

October 13 at 9:24am · Los Angeles ·

If you wonder why you haven't heard from us lately it is because STRACA has imploded. Your board has not fulfilled it's fiduciary responsibility to see STRACA can meet it's mission. Rather, leadership has let it starve and collapse.

I apologize. Our small team did what we could but all confidence and morale was lost among our team members after continually trying to move STRACA forward only to be improperly demoralized by the board.

I will hope our paths may cross again.

Robert St.Genis

From: Robert Danziger <bobdanziger@mac.com>
Sent: Monday, October 30, 2017 3:35 PM
To: Beretti, Melanie x5285; 100-District 5 (831) 647-7755
Subject: Fwd: La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, Californ

Begin forwarded message:

I see that it advertises that the property is suitable for events up to 25 people....I sure would not want to live next door.

Begin forwarded message:

Subject: La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, Californ
Date: October 30, 2017 at 2:15:42 PM PDT
To: michellealway@gmail.com

Now read up on the Managers :) Santa is coming to town!!

1

GOOD NEIGHBOR BROCHURE FOR SHORT-TERM RENTALS

Palm Desert is a resort community with permanent and seasonal homeowners who enjoy living in a tranquil environment. To ensure you an enjoyable stay while respecting your neighbors, please observe the following guidelines.



Loud music, unruly parties, and excessive on street parking are prohibited by City ordinance. Neighboring residents are encouraged to call a round-the-clock hotline or the Palm Desert Police to report prohibited behavior. Violations can result in citations, fines, and removal from the rental property for both the renter and their guests. Use common courtesy and respect the neighborhood in which you are staying and it will be an enjoyable experience for all.

CITY OF PALM DESERT

73-510 Fred Waring Drive
Palm Desert, CA 92260

760-346-0611

www.cityofpalmdesert.com
www.palm-desert.org



BE ADVISED:

**CITY RESIDENTS CAN CALL
A SHORT-TERM RENTAL
HOTLINE TO REPORT
VIOLATIONS OF THE RULES
OUTLINED IN THIS
BROCHURE**

NUMBER OF OCCUPANTS PERMITTED IN PALM DESERT SHORT-TERM RENTAL PROPERTIES

CITY OF PALM DESERT

73-510 Fred Waring Drive
Palm Desert, CA 92260

760-346-0611

www.cityofpalmdesert.com
www.palm-desert.org

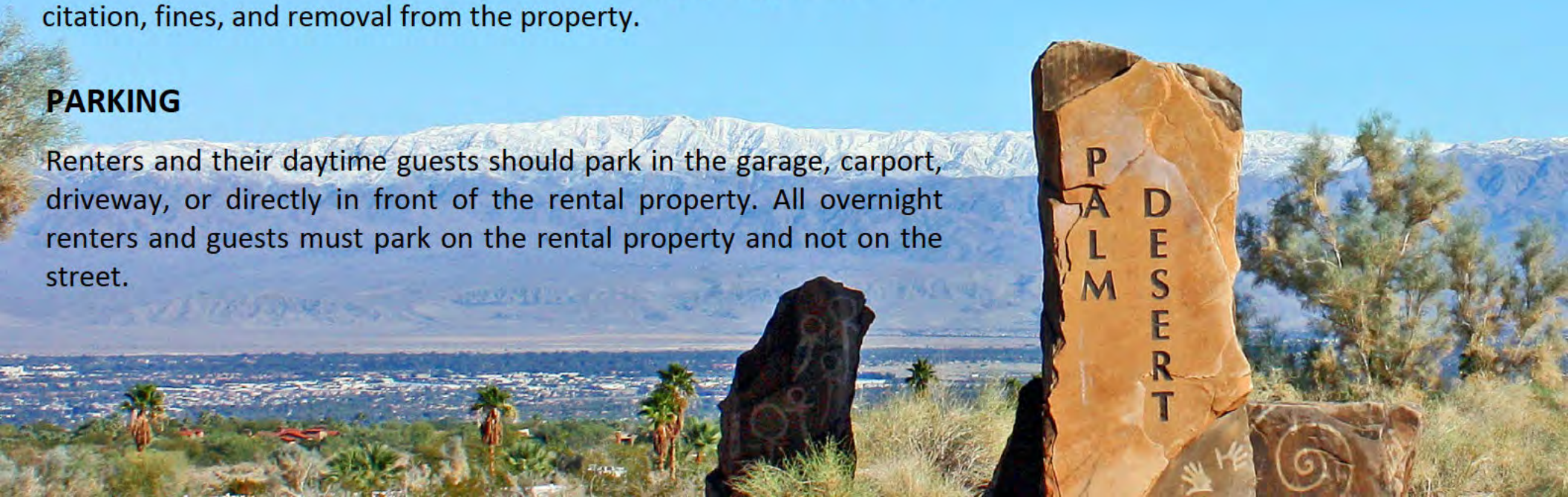
Number of Bedrooms	Total of Overnight Occupants	Total Daytime Occupants (Including Number of Overnight Occupants)
0 – Studio	2	4
1	2	4
2	4	8
3	6	12
4	8	16
5	10	20
6	12	20
7	14	20

NOISE

The City prohibits renters from using sound devices (radios, sound systems, etc.) and musical instruments outside the rental property between 10 p.m. and 10 a.m. Failure to comply may result in a citation, fines, and removal from the property.

PARKING

Renters and their daytime guests should park in the garage, carport, driveway, or directly in front of the rental property. All overnight renters and guests must park on the rental property and not on the street.



From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Subject: Fwd: Unhappy resident of PG
Date: Wednesday, November 01, 2017 3:33:05 PM

For the record

Begin forwarded message:

From: Michelle Alway <michellealway@gmail.com>
Subject: Unhappy resident of PG
Date: November 1, 2017 at 12:15:15 PM PDT

[Sarah Boyle](#)
Aug 21, 2017

I have a large str across the street from me (@ 135 Pacific Ave). I just had a horrible week (car week) with hookers going in and out, curse words being screamed, open containers in cars, cars blocking my driveway, partying til 3 am..... Most of this was done in front of my 3 & 6 year old sons.... When a drunk man yells, "HE'S A FAGGOT!" and my son turns to me and asks me what that means, I wonder to myself, why am I in this position, a neighbor wouldn't do this...

From: [Michelle Alway](#)
To: [Beretti, Melanie x5285](#); [Bowling, Joshua x5227](#); [100-District 5 \(831\) 647-7755](#); [Martha V Diehl](#); [Vandevere, Keith](#)
Subject: Supporter comments · City Council and Mayor of Pacific Grove: Pacific Grove residents are demanding their neighborhoods back. · Change.org
Date: Wednesday, November 01, 2017 1:19:36 PM

Please include in the record the following Article from the Coast Weekly, and Comments in the [change.org](#) petition, bringing to light the fact that the residents of Pacific Grove do not all believe that the STR policy in that city is working, or a good idea. I believe that Monterey County should follow the guidelines of Carmel and Monterey, and consider these comments by local residents in Pacific Grove (as opposed to listening to those with a financial interest in STRs). Thank you. Michelle Alway, Carmel Highlands CA (michellealway@gmail.com)

Article from Coast Weekly: P.G.'s short-term rental ordinance is popular—outside of the city—and is set for change. [Pam Marino](#) May 17, 2017

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https://www.change.org/p/city-council-and-mayor-of-pacific-grove-pacific-grove-residents-are-demanding-their-neighborhoods-back/c?source_location=petition_show

From: [Michelle Alway](#)
To: [Beretti, Melanie x5285](#); [Bowling, Joshua x5227](#); [100-District 5 \(831\) 647-7755](#); [Martha V Diehl](#); [Vandevere, Keith](#)
Subject: * Beautiful Carmel Meadows Getaway - Houses for Rent in Carmel-by-the
Date: Tuesday, October 31, 2017 12:30:10 PM

This STR advertises that it can also accommodate events up to 25 people. This is what is happening to our little community in the Coastal Zone - homes are being sold for the purpose of running them like hotels and as a business. When you put in a sample date - we used a January weekend, it will allow a rental of just 4-5 days. When houses are rented out for weekends, they bring to our neighborhoods people who are here on vacation or to party, or to have events. It is not the same clientele who would rent for 30 days or more. Turns out this STR is right next door to another one. However, this "hotel" has more beds. Please make this part of your record.

[Beautiful Carmel Meadows
Getaway - Houses for Rent in
Carmel-by-the-Sea, California,
United States](#)

From: [Martha V Diehl](#)
To: [Frank Hennessy](#)
Cc: [Beretti, Melanie x5285](#)
Subject: Re: STR ordinance
Date: Tuesday, October 31, 2017 12:38:07 PM

Dear Mr Hennessy,

Thank you for sending your thoughts. I always appreciate it when concerned people like you take the time to write about the issues we are facing. I am forwarding them to Melanie Beretti so they can be part of the ongoing administrative record, and I hope you will continue to participate in the community discussion as we move forward.

BRgds
Martha

--

Martha Diehl
Garrapata Trout Farm
35811 Hwy 1
Monterey, CA 93940

831.625.9621 home & messages
831.915.7653 mobile

On 10/24/17, 4:02 PM, "Frank Hennessy" <frankjhennessy@gmail.com> wrote:

Dear Ms. Diehl and Mr. Vandever,

Having noted that the two of you are key in the formulation of a reasonable STR ordinance, I thought you might be interested in the following link from Home Compliance, which, as you probably know, is a business consulting to governments to help regulate STRs.

<https://hostcompliance.com/resources-gallery/a-practical-guide-to-effectively-regulating-short-term-rentals-on-the-local-government-level>

1. I found the "permanent residency requirement" solves many of the problems neighbors complain about. I thought that it was a good idea, first expressed by Martha, to make the distinction between owner-occupied and other forms of STRs. Easy licensing for owner-occupied, discretionary permitting for absentee landlords.

2. Limiting the number of rentals per month/year may be unenforceable.
3. I agree with both of you that "caps" may reward commercial operators and unfairly deprive individual and future property owners of the same right.
4. I also agree with Martha that we should not reinvent the wheel. This is the most experienced and objective group I have come across. They are not popular with MCVRA, but they also see STRs as a legitimate and rising phenomenon. There may be a common ground if discretionary permitting of absentee owners is simple and reasonable.
5. Big Sur may be a special case. Would the CCC allow a ban on STRs for Big Sur only? Don't let Big Sur delay the rest of the County.

Please keep up the good work. I hope we're getting close. We consider STRs whenever we plan to be somewhere more than a couple of days or need more than 1 room. I remember every one we have stayed in, compared to the mostly nondescript hotel rooms. It's the closest you get to living there.

Frank Hennessy Architect
100 Arboleda Lane
Carmel Valley CA 93924

831 659 1925
831 917 6336 (cell)
frankjhennessy@gmail.com

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285; 100-District 5 \(831\) 647-7755](#)
Subject: Fwd: La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, Californ
Date: Monday, October 30, 2017 3:35:12 PM

Please add to the record. This makes the point that this is no longer an individual renting out a spare bedroom, but rather a large hotel business. Therefore, any rule that allows this type of rental is clearly an approval of hotel equivalent businesses in low density residential areas, where the Local Coastal Plan clearly prohibits “intensification” of uses. This absolutely makes the point that a full-blown EIR is clearly required before any such rule can go in to effect, and the full impact of the worst-case number of dwellings that may be converted to this use is fully evaluated, and the necessary changes to the Local Coastal Plan also articulated and thoroughly reviewed.

Begin forwarded message:

From: Michelle Alway <michellealway@gmail.com>
Subject: Fwd: La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, Californ
Date: October 30, 2017 at 3:14:43 PM PDT

I see that it advertises that the property is suitable for events up to 25 people....I sure would not want to live next door.

Begin forwarded message:

Subject: La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, Californ
Date: October 30, 2017 at 2:15:42 PM PDT
To: michellealway@gmail.com

Wow! Look at this recently opened STR out on Riberia Rd.

Now read up on the Managers :) Santa is coming to town!!

[La Bellana: 118703 - Villas for Rent in Carmel-by-the-Sea, California, United States](#)

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#)
Cc: [100-District 5 \(831\) 647-7755](#)
Subject: For the record
Date: Friday, October 27, 2017 9:11:10 PM

Please include in the record the article in this week's Pine Cone (Attached below) on the success of their efforts controlling STR's. This proves the point that the Planning Commission must consider strict enforcement among its options, and must consider the Carmel-by-the-Sea and Monterey City ordinances, and not just Santa Cruz and similar ordinances.

The Carmel Pine Cone Volume 103 No. 43

SHORT-TERM RENTALS CRACKDOWN IS WORKING, SAYS CITY ATTORNEY

Dozens of listings pulled from internet By MARY SCHLEY

SINCE THE city got tough about stopping homeowners from renting out their houses to vacationers, dozens have removed their listings from [VRBO.com](#) and similar websites — and six have put their homes on the market — city attorney Glen Mozingo told The Pine Cone this week.

In July, the city signed a contract with a company called Host Compliance that tracks short-term-rental listings on numerous websites and has been compiling the information for the city, so officials can go after the owners. Renting a home in the residential district to anyone for a period shorter than 30 days is against the law in Carmel, but the ordinance had gone largely unenforced for years.

“The comprehensive review of the websites indicates a lot of listings have been removed,” planning director Marc Wiener said Wednesday. “It looked like from what I saw, it’s down to being the range of 50 to 70 short-term-rental listings, total, which I think is pretty good compared to when we first started looking into this a couple of years ago.”

Mozingo said that in the past 65 days, 129 rentals have disappeared from the websites, and he suspects that’s due in part to the publicity surrounding the couple who was sued by the city for refusing to stop using their house as a short-term rental, and eventually settled.

“Apparently my comments at city council have had some effect,” he continued. “Then there are letters that have gone out from our compliance officer showing we know they are engaging in that activity, and that they are to cease and desist, refund money given for any pending transactions, withdraw all advertising or promotion regarding availability of the property, and meet with the city attorney to discuss fees that should have been collected.”

Through Nov. 15, Mozingo is offering a “partial amnesty,” in which homeowners who were illegally renting out their properties for short stays can avoid paying the fees, fines and penalties, though they’ll still have to write a check for the 10 percent transient occupancy tax that hotels pay. (TOT is the single largest source of revenue for the general fund, and the 2017-2018 budget estimates the amount will exceed \$6.2 million out of total revenues of \$21.9 million by the time the fiscal year ends on June 30, 2018.)

Amnesty ending

Mozingo said there are 49 illegal listings, with another 32 that are suspected but need more research to confirm. Short-term rentals in the commercial zones are legal.

Of those that have removed their listings, seven have come forward seeking amnesty — and have agreed to provide all their numbers so the taxes can be tabulated — while many others have simply vanished.

“Some of them are just taking off and disappearing and hoping we don’t follow up,” he said. “Our intention is to follow up on all of them.”

And after Nov. 15, the owners will be on the hook not just for the back taxes for up to four years, but for all the fines, fees and penalties, too.

“The whole theme was to gain the community’s cooperation and compliance. The law has been on the books for 27 years but never really been enforced until now,” Mozingo said. “We’re very pleased with the response, and we will continue to monitor and take enforcement steps to ensure this activity is terminated and won’t be repeated.”

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

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



October 21, 2016

Craig Spencer
Associate Planner
Monterey County Resource Management Agency, Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: LCP-3-MCO-14-0841-1-Part B (Proof of Access)

Dear Mr. Spencer:

This letter is in follow-up to our discussion today with County staff regarding the LCP amendment application for the Proof of Access ordinance (Coastal Commission file number LCP-3-MCO-14-0841-1-Part B, dated received on November 24, 2014). The proposed ordinance includes a new section (20.64.320) of Title 20 (Monterey County Coastal Implementation Plan, Part 1) that would establish regulations for the issuance of permits and entitlements for development on properties using private streets and roads. The ordinance provides for the resolution of disputes regarding the use of such roads during the development review process.

As we discussed, Commission staff supports the County in its desire to ensure that civil matters regarding private roads are addressed outside the County's and the public's forum(s) for land use applications. We understand that the intent of the proposed ordinance is to provide a framework to address these issues without the need for County or public involvement, and thus we support the ordinance's overarching goal.

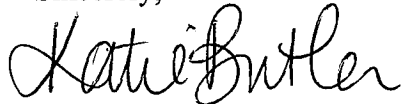
However, the County's proposal to include the ordinance *in the LCP* presents a range of potential issues, unintended consequences, and opportunities for misuse. More broadly, we are concerned that putting the ordinance in the LCP, to be used as a standard of review for coastal development permits (CDPs), explicitly requires the County (and the Commission on appeal) to be directly involved in addressing private disputes through the public regulatory process, thereby frustrating the intent and purpose of the ordinance. We are concerned that the ordinance as written would give power to one or a few individuals when the LCP is designed to maximize the public's ability to participate equally. Finally, and perhaps most importantly, LCP Implementation Plan amendments such as this are required to carry out and be consistent with the Land Use Plan, and it is unclear in this case how the proposed amendment would meet those LUP tests (including how the Commission can find the proposed IP amendment consistent with and adequate to carry out the Land Use Plan's coastal resource protection policies).

Commission staff believes that the proposed regulations are better suited to a different, non-LCP section of the County code that deals with procedural matters, and/or as a filing requirement at

the application stage. **We therefore strongly recommend that the County withdraw this LCP amendment**, and instead insert the Proof of Access regulations elsewhere in the County code. That way, the Proof of Access provisions will be in effect, but will not be used as standards of review for CDPs, including being used for appeal purposes.

If you have any questions, please feel free to contact me at katie.butler@coastal.ca.gov or (831) 427-4863.

Sincerely,

A handwritten signature in black ink that reads "Katie Butler". The signature is fluid and cursive, with the first name "Katie" and last name "Butler" clearly distinguishable.

Katie Butler
Coastal Planner
Central Coast District Office



From: [Katie Coburn](#)
To: [Agron Dale And Neil](#); mm_robbins@comcast.net; [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#); [Anderson, Yuri](#); [Alway Michelle](#); lorrainekoshea@gmail.com
Subject: Advertising a home for sale as a STR
Date: Friday, October 20, 2017 7:26:34 AM

<https://www.openlistings.com/p/6220-brookdale-dr-carmel-ca-93923>

For those who say o one invests to short term rent a property, READ this advertisement

Katie

Shared via the [Google app](#)

Sent from my iPad

From: [Robert Danziger](#)
To: [Michelle Alway](#)
Cc: [Gwyn De Amaral](#); [Adrienne Berry](#); [Lynne Boyd](#)
Subject: Re: Carmel Highlands Sublets
Date: Friday, October 20, 2017 8:27:14 AM

Please forward to BerettiM@co.monterey.ca.us and ask to include it in the formal record. If anyone chooses to file a legal challenge we need this in the record.

Also, I assume you know the meeting to present (possibly) the final rule is
Hello,

Please find the email below on behalf of Melanie Beretti, Special Programs Manager.

Dear Short-Term Rental Interested Party –

*Please save the date for an anticipated hearing on the Draft Short-Term Rental Ordinance:
Monterey County Planning Commission
Wednesday, November 29, 2017
Time TBD*

A public notice will be sent out as the date draws closer.

*Sincerely,
Melanie*

Thank you,
Jackie Nickerson

Thanks,

Bob

On Oct 20, 2017, at 8:03 AM, Michelle Alway <michellealway@gmail.com> wrote:

Begin forwarded message:

You know your Airbnb Host neighbors that STR on the original Airbnb website, well now know your Airbnb Host neighbors that pretend to Long-Term Rent (STR) on Airbnb's "Sublet" website! And remember this site can change daily...

[Carmel Highlands, CA – Airbnb](#)

Need a SUBLET...its not just by the month either. Tap on the **Length of Stay** button, 2 weeks, 3 weeks, and I'll bet you can even get it for just a few days if you ask nicely!

[Need a sublet? Try Airbnb instead](#)

<https://www.airbnb.com/sublets>

Looking for a sublet? ... The same review from your weekend stay on Airbnb now helps you find homes for longer stays in ... without committing to a long-term lease.

And besides if you really think about it, who is going to rent Long-Term (30+ Nights) when you might end up with a long-term squatter:)

*** Feel free to read to the Transparency Tricks...

[Airbnb Cancellation Policies](https://www.airbnb.com/home/cancellation_policies)
https://www.airbnb.com/home/cancellation_policies

View the terms and details of Airbnb's cancellation policies (Flexible, Moderate ... The Long Term cancellation policy applies to all reservations of 28 nights or ...

Cancellation Policies

Airbnb allows hosts to choose among three standardized cancellation policies (Flexible, Moderate, and Strict) that we will enforce to protect both guest and host alike. The Super Strict cancellation policies apply to special circumstances and are by invitation only. The Long Term cancellation policy applies to all reservations of 28 nights or more. Each listing and reservation on our site will clearly state the cancellation policy. Guests may cancel and review any penalties by viewing their travel plans and then clicking 'Cancel' on the appropriate reservation. A host will be able to see the number of reservations a guest has canceled over the previous 12 months when the guest submits a request to book.

Flexible Moderate Strict Super Strict 30 Days Super Strict 60 Days

Long Term

Long Term: First month not refundable, 30 day notice for cancellation

- Note: The Long Term cancellation policy applies to all reservations of 28 nights or more.
- Cleaning fees are always refunded if the reservation is canceled before check-in.
- Accommodation fees (the total nightly rate you're charged) are refundable in certain circumstances as outlined below.
- If there is a complaint from either party, notice must be given to Airbnb within 24 hours of check-in.
- Airbnb will mediate when necessary, and has the final say in all disputes.
- A reservation is officially canceled when the guest clicks the cancellation button on the cancellation confirmation page, which they can find in Dashboard > Your Trips > Change or Cancel.
- Cancellation policies may be superseded by the Guest Refund Policy, extenuating circumstances, or cancellations by Airbnb for any other reason permitted under the Terms of Service. Please review these exceptions.
- Applicable taxes will be retained and remitted.

Check in

Check out



Fri, Oct 20
3:00 PM

Mon, Oct 23
11:00 AM

If the guest books a long term reservation and decides to cancel the reservation before the start date, the first month of the reservation is paid to the host in full and not refunded to the guest.

If the guest books a reservation and decides to cancel the reservation during their stay, the guest must use the online alteration tool in order to agree to a new checkout date. Regardless of the

Say you want to stay a weekend, you

checkout date chosen, the guest is required to pay the host for the 30 days following the cancellation date, or up to the end date of the guest's original reservation if the remaining portion of the original reservation is less than 30 days.

would pay the 2 or 3 night min., plus service and cleaning fees...sometimes our Airbnb host neighbors even include TOT. Then the host or manager has you sign a "Months" lease at whatever price you agree on, then you cancel that agreement when you

check out 2 or 3 days later, never having planned to stay the whole month anyway, or this is my understanding I come away with! Now I guess we should start thinking about a Really Good Regulation that concerns the Advertising of these illegal STRs/Sublets - Happy Friday Morning!

From: [Nickerson, Jacquelyn x5240](#)
To: [Beretti, Melanie x5285](#)
Subject: FW: Save the Date – Short-Term Rental Ordinance
Date: Thursday, October 19, 2017 11:27:11 AM

Hi Melanie,

Please see email below.

Thank you,
Jackie Nickerson

From: bgross50@aol.com [mailto:bgross50@aol.com]
Sent: Tuesday, October 17, 2017 9:22 AM
To: Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us>
Subject: Re: Save the Date – Short-Term Rental Ordinance

I would like to revise my input on short term rentals. I think the county should follow the lead of local cities like Carmel. Make the minimum stay 30 days. We live in residential neighborhoods (Carmel Highlands) and unrestricted short term rentals commercialize them. That's why we have motels, hotels, and B&B's. I for one don't want people coming and going from the neighbors guest house.

Regards,
Brent Gross

bgross50@aol.com

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

From: Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us>
Sent: Tue, Oct 17, 2017 9:11 am
Subject: Save the Date – Short-Term Rental Ordinance

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Please find the email below on behalf of Melanie Beretti, Special Programs Manager.

Dear Short-Term Rental Interested Party –

Please save the date for an anticipated hearing on the Draft Short-Term Rental Ordinance:

Monterey County Planning Commission

Wednesday, November 29, 2017

Time TBD

A public notice will be sent out as the date draws closer.

Sincerely,

Melanie

Thank you,
Jackie Nickerson

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Monterey County Planning Commission

Wednesday, November 29, 2017

Time TBD

A public notice will be sent out as the date draws closer.

Sincerely,

Melanie

Thank you,
Jackie Nickerson

From: [Gary Cursio](#)
To: [Beretti, Melanie x5285](#)
Cc: [Bonnie Adams](#)
Subject: MCHA STR Policy
Date: Tuesday, October 17, 2017 8:50:57 AM
Attachments: [STR OCT 10.docx](#)

Hi Melanie,

Thank you for the "heads up" on the prior version of our STR Policy .

Attached below is the corrected version approved by our EC. Feel free to use as you see fit.

Any idea when the staff draft ordinance will get to the PC ?

Thanks again.

Gary Cursio,

Director of Government Affairs

MCHA

MONTEREY COUNTY HOSPITALITY ASSOCIATION (MCHA)

SHORT TERM RENTAL POLICY

The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following:

- Protection of community character, particularly single family residential neighborhoods
- Impacts on the limited housing stock, especially for medium to low income and workforce housing
- Areas of limited resources and constrained infrastructure
- Other visitor serving accommodations and commercial STRs rentals

MCHA believes:

1. There should be accommodation for limited use in unincorporated areas of Monterey County where the owner manages the STR unit(s). We recommend that these STRs can be rented for up to 4 weeks per year. Regulations for such use should address neighborhood compatibility and impacts, security, minimum length of stay, number of occupants and other lodging regulations.
2. Recognize that residences, which are used as STRs for more than 4 weeks per year or are professionally marketed and managed as STRs, need to be regulated as a commercial use. As such, these units should be subject to the same governmental regulations regarding physical improvement (ADA access, fire safety, parking, commercial food preparation/service, waste management, etc.) which is required for lodging, event venues, restaurants and other like visitor servicing businesses.
3. That some areas of Monterey County and Cities have significant resource constraints, particularly water, parking and traffic/circulation, and the impact the conversion of residences to STRs will have on those resources needs to be recognized and addressed.
4. That some areas of the County are remote, have very limited access, are constrained by water supply and road limitations, have minimal public services, emergency services and safety issues, particularly fire hazards. Those areas are not suitable for commercial STRs.
5. Enforcement of all state and local regulations, including collection of Transient Occupancy Taxes and similar fees (business licenses, operating permits, etc.) has to be an integral part of the program. Designated staffing and long-term funding are expected to be allocated for STR enforcement.

The shortage of affordable housing throughout Monterey County is a well-known fact. A significant number of the County's and City's residents work multiple jobs and travel great distances from their homes to their workplaces. The loss of housing to STRs presents a further threat to the County's workforce, the hospitality industry and the County's economy as a whole.

Approved by MCHA BOD on October 10, 2017

From: [Yerdua Mz](#)
To: [Beretti, Melanie x5285](#); [Nickerson, Jacquelyn x5240](#)
Subject: Short Term Rental regulation in unincorporated Monterey County, specifically Carmel Valley
Date: Thursday, October 12, 2017 11:38:45 AM

Dear Ms. Melanie Beretti and Ms. Jacquelyn Nickerson,

I have been a resident of lower Carmel Valley since 1972, i.e. all of my adult life. I have raised a family, and owned a business. I am writing with regard to the issue of regulating short term rental of residential properties, both occupied and unoccupied.

I suggest the entire issue be put to a public vote.

I appreciate that some homeowners enjoy, and/or need, the income from renting part or all of their homes. However, a consequence of this type of business in residential neighborhoods is that it is reducing the number of affordable rental units. Carmel Valley is becoming inhospitable to those who work in the valley and cannot afford to buy a home. Now they can't even afford to rent, if they can even find rental housing. We are losing out with regard to racial and economic diversity, and supporting families, and young people, and their offspring.

I disagree with commercial activity of this nature changing neighborhoods and infringing on the rights of residential property owners. I question how many homeowners who are doing STR are informing their insurance companies as well as complying with regulations, insurance, taxes, and fees that licensed, commercial businesses must comply with in the state of California and that contribute to local and state economies. I question how many homeowners act as responsible business people and inform their "guests" of the sensitive nature of this area with regard to wildlife habitats and the threat of wildfire, as well as preservation of natural beauty.

I acknowledge that the internet is allowing more and more entrepreneurial gaming of this country's economic system (AirBnB, VRBO, Uber, Lyft, etc). While influencing what happens at the federal level is becoming more and more frustrating, hopefully we can influence what happens to us locally. I understand that more and more income is needed at the county level to meet expenses. I hope that the collection of the TOT is not the main reason for allowing STRs.

A possibly reasonable solution is that homeowners who want income from short term renting be required to follow the same regulations as those who want to do a home based business referred to as a Bed and Breakfast as described in Title 21.64.100.

This would require the following:

- 1. Living in one's home when renters are "guests".**
- 2. Having onsite parking of 2 spaces for owners and 1 space per guestroom.**
- 3. Payment of the transient occupancy tax.**
- 4. That the business not be detrimental to health, safety, and the general welfare of persons residing or working in the neighborhood or to the general welfare of the county. (I realize this is open to interpretation).**
- 5. That the business would not adversely affect traffic. We already have a seriously impacted level of service traffic problem on both Highway One and on Carmel Valley Road;**

6. That the site provides adequate sewage disposal and water supply. Is the increased water use in a home that has (in effect) become a motel being considered?

I suggest (at the very least) that an owner occupied residence be required to follow Title 21.64.280 Administrative Permits for Transient Use of Residential Property for Remuneration which requires the:

Preservation and enhancement of the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of owner-occupied residences.

The Bed and Breakfast Transient (1997) would be able to stay not less than 7 days nor more than 30 days. How much transiency is tolerable for a residential neighborhood?

(1997) If an applicant doesn't reside within a 5 mile radius, designate a person within a 25 miles radius who is available 24/7.

I disagree with this condition as I think it is in our best interests as a community that a home with guests always have either a permanent or long term occupant.

If absentee owners were required to follow the Bed and Breakfast rules, perhaps they could alternatively be allowed to have a long term renter occupy and manage the home and business. This would open up both jobs and long term renting housing.

Thank you for considering my thoughts on this matter.

**Sincerely yours,
Audrey F. Morris
5630 Carmel Valley Road
Carmel, CA 93923
831-233-4961
Member of the Carmel Valley Association**

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Subject: Short-Term Rental ban Upheld/Please add this article to the record
Date: Sunday, October 08, 2017 12:51:48 PM

Please add this to the record. I note that in a recent meeting speakers in favor of STR failed to mention the growing opposition to STR's all over the world.

Bob Danziger

<http://www.dailyherald.com/business/20171005/short-term-rental-ban-upheld-in-vernon-hills>

Reprinted here:

Vernon Hills trustees have upheld a zoning rule prohibiting short-term rentals in residential areas.

Village officials first discussed such rentals, such as those advertised on [www.airbnb](http://www.airbnb.com), in July 2016 but opted not to change the restriction. The matter resurfaced after officials became aware a home in the upscale Gregg's Landing subdivision had been advertised and used as a short-term rental.

Property owners Asmah and Masood Ahmed stopped the practice after being notified they were in violation. But they made their case to the village board Tuesday, asking to be allowed to continue until further guidelines are instituted.

ADVERTISING

inRead invented by Teads

The couple said they are empty nesters with an apartment in Chicago. They've rented their home on Royal Birkdale Drive for \$700 a night to visitors from several states who otherwise would not have come to Vernon Hills.

The couple outlined various aspects of the practice, including rules and precautions they have in place, such as requiring names and IDs for all guests and being able to view a front door camera remotely.

Renters are those seeking a high-end experience in the area while attending functions like graduations, reunions or events such as the BMW Championship golf tournament, the couple said. The village benefits, they added, because the renters spend money at restaurants and other businesses in town.

However, the village board was not swayed, in part because of the potential complexity of making and enforcing rules to fit various circumstances.

Trustee Jim Schultz said he has a second home and periodically is out of town.

"I have no desire to do that nor do I have any desire to let my neighbors do that," he said.

"Short-term, long-term, I'm not for it," Trustee Thom Koch added.

By not changing the rule, the village zoning code prohibiting the use remains in place. Like any zoning violation, the village can fine violators from \$100 to \$1,000 for each day the violation continues.

Building Commissioner Mike Atkinson said this was the first instance of a short-term rental brought to his attention this year.

"We've identified 16 other properties and we'll be figuring out who the owners are and will be sending notifications to those properties to cease and desist short-term rentals," he said.

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [Diehl, Martha](#); [Vandevere, Keith](#); [ClerkoftheBoard](#); [100-District 5 \(831\) 647-7755](#)
Subject: Short term rental causing housing shortage
Date: Friday, October 06, 2017 11:11:23 PM
Attachments: [image1.PNG](#)

The following attachment is a posting from a local next-door social site. The Pacific Grove ordinance allowing short term rentals is causing a huge long-term housing shortage for families not able to afford to purchase but need long-term housing options. Individuals that own homes that they would otherwise sell or rent long-term are using them for making a quick buck at the expense of the "last hometown". Individuals that are not able to afford to keep their homes empty or rent long-term should sell thereby increasing the property tax basis and allowing families to become part of the community.



Sincerely,
Adrienne Berry
Sent from my iPad

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [Diehl, Martha](#); [100-District 5 \(831\) 647-7755](#); [Vandevere, Keith](#); [ClerkoftheBoard](#)
Subject: Fwd: Short-Term Rental Regulations
Date: Thursday, October 05, 2017 10:41:08 PM
Attachments: [SR for Ordinance Prohibiting STR Advertising.pdf](#)
[Ordinance Prohibiting STR Advertising.pdf](#)

Please use Carmel-by-the-Sea's succinct and simple ordinance for the Monterey County's short term rental ordinance in the coastal zone. It is easily enforceable by having a property that is advertised as a short-term rental subject to a large fine, such as \$10,000 per day after receiving a cease and desist warning. There will be no need to verify anything other than if it is advertised it is breaking the ordinance. These fines will more than make up for TOT tax which really only covers additional use of County infrastructure. Both Carmel-by-the-Sea and Monterey city STR's ordinances are working successfully and have been thoroughly vetted by their attorneys with the coastal commission.

Sincerely,
Glenn and Adrienne Berry

I have included Carmel's short-term rules below and Monterey's ordinance against advertising as attachments.

17.08.060 Prohibited Uses.

Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the residential districts, except as otherwise permitted by this code.

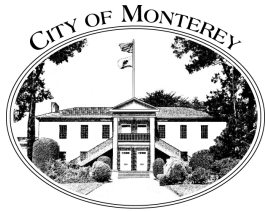
A. Liability and Enforcement. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

B. Infractions. Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.70.020 Definitions.

Transient. A period of time less than 30 consecutive days.

Marc Wiener, AICP
Community Planning and Building Director
Carmel-by-the-Sea, CA 93921
PO Drawer G
(831) 620-2024



Council Agenda Report

Date: <MEETING_DATE>

Item No: <#>

FROM: Dino Pick, Deputy City Manager Plans and Public Works
Prepared By: Elizabeth Caraker, AICP, Principal Planner

SUBJECT: 1st Reading - Add Monterey City Code Chapter 22, Section 19.5 to Prohibit Advertising of Short-Term Residential Rentals in the City's Residential Zoning Districts (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

RECOMMENDATION:

That the City Council adopt ordinance adding Monterey City Code Chapter 22, Section 19.5 to Prohibit Advertising of Short-Term Residential Rentals in the City's Residential Zoning Districts

POLICY IMPLICATIONS:

The ordinance amendment is consistent with existing City Code that bans short-term rentals in residential zoning districts. This ban was recently discussed and reconfirmed by the City Council in September 2016.

FISCAL IMPLICATIONS:

Adoption of the ordinance will reduce the City's costs for enforcement of the existing short-term rental prohibition. Upon adoption of the ordinance, staff will return to Council with an amendment to the City's Administrative Citation Fine Schedule to establish the fine for violations. The default fine amount is \$100.00. Citations for violating the existing short-term rental prohibition are \$1,000 per day.

ENVIRONMENTAL DETERMINATION:

The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES CONSIDERED:

The City Council could decide not to prohibit advertising of short-term rentals. This would continue the existing practice of code enforcement, which is more consuming of staff resources.

DISCUSSION:

Since 1991 the City of Monterey has prohibited short-term residential rentals, which the Zoning Code defines as the “rental of any residential building, portion of such building, or group of such buildings in which there are guest rooms or suites, including housekeeping units, for transient guests, where lodging with or without meals is provided for a period of less than a calendar month or less than 30 consecutive days,” in all residential districts in the City. Concerns regarding short-term rentals include depletion of the already limited housing stock in the City.

City staff has received multiple complaints about short-term rentals in the City, including noisy parties disturbing the peace of residential neighborhoods, and increased vehicular traffic, parking shortages, and trash in those neighborhoods. The advent of Internet-based platforms has resulted in a proliferation of residential properties being offered to transient lodgers in violation of existing law. An estimated 200 properties are advertised for short term rentals within the City. This proliferation requires an expansion of enforcement mechanisms to deter violations of this law.

Current code enforcement activities related to the regulation of short-term rentals can be very time and resource intensive because it can be very difficult to verify the violation. Unlike most other code enforcement cases, these violations are frequently not in plain view. This amendment is intended to enhance the City’s ability to enforce the City’s prohibition, and there is no right to advertise illegal activity (See *Pittsburg Press Co. v. Pittsburgh Commission on Human Relations* (1973) 413 U.S. 376, 388). This amendment is not intended to be enforced against online hosting platforms such as Airbnb, HomeAway, FlipKey, and/or VRBO, rather is it to be enforced against the Responsible Party.

The amendment prohibiting the advertisement of short-term residential rentals is necessary to allow for more effective enforcement of the City’s current prohibition of short-term residential rentals and thereby to preserve the public health, safety, and general welfare in the City’s residential zoning districts. The amendment will prohibit posting, publishing, circulating, broadcasting or maintaining any advertisement of a short-term residential rental prohibited by the Monterey City Code. Each day that an advertisement is posted, published, circulated, broadcast or maintained will qualify as a separate offense and will be subject to a citation.

Attachments: 1. Ordinance.

e: Housing List
Business and Neighborhood Associations

ORDINANCE NO. 3564 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**ADDING MONTEREY CITY CODE CHAPTER 22, SECTION 19.5 TO PROHIBIT
ADVERTISING OF SHORT-TERM RESIDENTIAL RENTALS IN THE CITY'S RESIDENTIAL
ZONING DISTRICTS.**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, since 1991 the City of Monterey has prohibited short-term residential rentals, which the Zoning Code defines as the "rental of any residential building, portion of such building, or group of such buildings in which there are guest rooms or suites, including housekeeping units, for transient guests, where lodging with or without meals is provided for a period of less than a calendar month or less than 30 consecutive days," in all residential districts in the City;

WHEREAS, City staff have received multiple complaints about short-term rentals in the City, including noisy parties disturbing the peace of residential neighborhoods, and increased vehicular traffic, parking shortages, and trash in those neighborhoods;

WHEREAS, short-term rentals deplete the already limited housing stock in the City;

WHEREAS, the advent of Internet-based platforms has resulted in a proliferation of residential properties being offered to transient lodgers in violation of existing law. An estimated 200 properties are advertised for short term rentals within the City. This proliferation requires an expansion of enforcement mechanisms to deter violations of this law;

WHEREAS, current code enforcement activities related to the regulation of short-term rentals can be very time and resource intensive because it can be very difficult to verify the violation. Unlike most other code enforcement cases, these violations are frequently not in plain view. This amendment is intended to enhance the City's ability to enforce the City's prohibition, and there is no right to advertise illegal activity (See *Pittsburg Press Co. v. Pittsburgh Commission on Human Relations* (1973) 413 U.S. 376, 388). This amendment is not intended to be enforced against online hosting platforms such as Airbnb, HomeAway, FlipKey, and/or VRBO, rather is it to be enforced against the Responsible Party, as defined below;

WHEREAS, the amendment prohibiting the advertisement of short-term residential rentals is necessary to allow for more effective enforcement of the City's current prohibition of short-term residential rentals and thereby to preserve the public health, safety, and general welfare in the City's residential zoning districts; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

SECTION 3: Monterey City Code, Chapter 22, Section 19.5 is hereby added to read as follows:

"Advertisement of Short-term Rentals.

- (a) No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Residential Rental prohibited by the Monterey City Code.
- (b) For purposes of this section the following words and phrases shall have the meaning respectively ascribed to them by this section.
 - 1. "Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication whose primary purpose is to propose a commercial transaction.
 - 2. "Responsible Party" means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation. A Responsible Party does not include online hosting platforms/companies.
 - 3. "Short-Term Residential Rental" shall have the meaning set forth in Chapter 38 of the Monterey City Code.
- (c) Each day that an Advertisement is posted, published, circulated, broadcast or maintained by a Responsible Party in violation of this Section is a separate offense."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 7th day of March, 2017, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Barrett, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



From: [Kate Hardy](#)
To: [Beretti, Melanie x5285](#)
Subject: Re: STR Carmel Valley
Date: Tuesday, October 03, 2017 8:32:50 PM

Melanie,

Thank you for your reply! I'm following the County's agendas re.. STRs and await the final draft.

I am sure you are paying close attention to the issues surrounding STRs all around the world--from Russian Mobsters in Barcelona, to disgruntled neighbors in Carmel--the overall negative impact to local communities is evident. I hope that the permit process and limiting requirements will prove effective. No one wants to live next door to a hotel! NO ONE!

Residential neighborhoods have zoning laws specifically to prevent full time businesses from opening shop next door!

Regards,

Kate

On Oct 2, 2017, at 1:44 PM, Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us> wrote:

Ms. Hardy,

My apologies, but it seems your email got buried in my inbox and I'm only now seeing it. Do you still have questions I can assist you with?

Melanie Beretti | Special Programs Manager

Office | 831-755-5285

From: Kate Hardy [<mailto:hbodyk@sbcglobal.net>]

Sent: Thursday, February 9, 2017 4:29 PM

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

Subject: STR Carmel Valley

Hello Melanie,

After searching for the Short term Rental policy for Carmel Valley (Inland?), I haven't been able to locate anything, so am contacting you directly. What is the current status of Short Term Rentals in Carmel Valley? I understand the County will be voting soon for a county wide policy. Obviously, no one wants a Hotel next door with noise disturbances and parties every night! I am also aware of the egregious water usage, and loss of affordable housing for permanent residents, among other issues. I did find info re. current policy for Carmel Valley (7 day minimum and a permit fee: \$6000) is this accurate? And if so, where is proof that a neighbor has a Permit? Thank you for your response. Enjoy the rain!

Kate Hardy

From: [Lisa D. Allison](#)
To: [Beretti, Melanie x5285](#)
Subject: Short term rental - carmel valley
Date: Thursday, September 28, 2017 8:07:52 AM

It is my opinion that authorities have no “constitutional right” to limit the use of property for short or long term rental. People have rented their properties on long and short term basis, in this country, for 100’s of years to help family members, to care for neighbors, to keep their households in tact during tough financial times and for many other reasons.

Sincerely,
Lisa

From: [Kristin Ramsden](#)
To: [Beretti, Melanie x5285](#)
Cc: [Nickerson, Jacquelyn x5240](#)
Subject: Short term rentals in Carmel Valley
Date: Wednesday, September 20, 2017 2:29:40 PM

Dear Melanie and Jacquelyn,

Please allow me to introduce myself:

My name is Kristin Ramsden,

I have an almost 50 year history with Carmel Valley: having arrived here with my family, the Waldroups, in 1970. I attended York School as a junior and was one of the first girls to transition that school from being a boys' school to being Co-educational; an interesting and fun time!

After graduation, college, and living many years overseas and elsewhere in America, I have now finally come "home". Since 2011, once again, I am living here in my mother's house on Miramonte Rd.

As a daughter of John and May Waldroup, who built the Barnyard and ran the Thunderbird bookshop, the Valley is now my home again.

So, since 2015, I have happily been able to open a successful airbnb in my mother's house on Miramonte. My guests have been extremely happy to be in this quiet neighborhood, and we feel we are greatly supporting the local businesses, the wineries, the restaurants and gift shops in the Village by way of recommendation.

Besides that, I am benefitting the County by paying my TOT tax regularly and doing everything I can to be transparent and open. My neighbors, I think, don't even notice that I have an airbnb! (unless I've told them). Without even a hedge or fence, there is no way to hide this livelihood! At any rate, there is no disturbance to the neighborhood and, so far as I know, I have no unhappy neighbors complaining. Long may it be so!

So I feel this little endeavor has become an asset to the business community I live in.

Managing this house with short term rentals has therefore been a life-saver for me. We have guests from many countries, who I particularly enjoy, having first-hand knowledge of their traditions and cultures through my own travels, and because I speak their languages (I speak 4/5 foreign languages to greater or lesser degrees)

To my great surprise, I have very easily and consistently become known as what Airbnb calls a "Super Host"!

Now, I no longer have to travel to China or Japan - and the world come to me! As you are aware, travelers from all over the world come to Carmel, and, luckily for me, they manage to find this comfortable haven on Miramonte through Airbnb! I do no advertising whatsoever! Without exception, my guests feel they have found a "jewel" in this valley, especially because it is a comfortable, old valley home, with character and family history! and, thanks to the many wedding venues in the Valley, or events such as our world-famous "Car Week", I often have guests who can not find availability (or can not afford), nearby hotels .

If, for some reason we cannot accommodate a guest's request to stay, we will also recommend other places, such as The Blue Sky Lodge, or Contenta Lodge in Carmel Valley Village, who are closeby and whose prices are similar to mine.

Of course, I have heard that the idea of short term rentals is contentious, especially in urban/city areas, but I have to say, as both a traveller and a host, that it is a completely different type of person who prefers to go to a family home to spend a night or two, rather than one who wants to go to a hotel or motel. The guests that come to me are people who want to “get under the skin” so to speak, and experience what it is to live in this area, rather than remain on the surface, as a tourist. You will understand this if you have also travelled.

In addition, these guests don't mind being held accountable for their presence. Every guest I have is rated, just as I, as their hostess, am given a rating. Luckily for me, I have experienced that there are more wonderful people in this world, than not! In the year and a half of opening this house to airbnb guests, I have not had one “bad apple” in the whole “barrel”! These have been people who are interested and want to learn about us, as americans, and I have to say, especially at this time, I feel we are all called upon to be ‘ambassadors’ for this country; more so, perhaps, than ever before.

So, I would urge you to support short term rentals - especially with Airbnb - since it is a company that is enabling people to help people. We need initiatives like this! It is making it possible for Valley families who wish to stay here, to keep our homes as family homes. This is true especially in the un-incorporated areas such as Carmel Valley and Big Sur. And we are paying the taxes expected of us to provide this service.

As far as I can see, we who provide this service are benefitting, not hurting many other businesses in our community, whose prices often limit this area to those who can afford it. I hope to be able to continue my airbnb with a clear conscience, sharing our local character, our history and color, and providing some much-needed diversity to Carmel Valley.

With warmest thanks for your time and consideration,
Kristin Ramsden

* : . . . : * * : . . . : * : . . . : * * : . . . : *

Kristin Ramsden

kristin@worldcitizen.cc

From: [Barbara Baldock](#)
To: [Beretti, Melanie x5285](#)
Cc: [Phil Butler](#)
Subject: Short Term Rental Ordinances
Date: Friday, September 15, 2017 12:49:20 PM

Dear County Representative:

We live in Monterey County, not far from the City of Monterey. We would like to see in the new ordinance for short term rentals that no rentals are allowed under 30 days. We understand that this is what the City of Monterey decided on. We've read about the problems with short term rentals in the City of Pacific Grove and that this may be in violation of their general plan.

We've lived in our home for 38 years. When we moved in the homes in our neighborhood were all owner occupied. In recent years there are a few homes that are rentals and there have been some problems. We would hate to see our neighborhood with short term rentals and even more problems.

Thank you for your consideration.

Barbara Baldock and Phil Butler
1330 Castro Court
Monterey, CA. 93940

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Cc: [Michelle Alway](#); [Gwyn De Amaral](#); [R. Michael Wisner](#); [Kate Hardy](#); [Holm, Carl P. x5103](#)
Subject: City of Monterey Action on STR
Date: Wednesday, September 13, 2017 2:11:02 PM
Attachments: [page1image3696](#)

Please add this to the official record.

I repeat our demand that the Planning Department examine all options before recommending anything to the Board of Supervisors. And two of the options that the Planning Department must analyze is 1) strict enforcement of the existing ordinance; and, 2) strengtening the existing ordinance to prohibit advertising and significantly increase fines to give more teeth to the prohibition.

Failure to do so will be a violation of State law, and bad policy.

This could be important. We should all send this to Mary Adams and the Planning Department. I believe that our letters should demand that the Planning Department examine all options, including strict enforcement of the existing law.

Bob

http://www.monterey.org/Portals/0/Newsroom/2017/17_0912-Short-Term-Rental-ComplianceNR.pdf

DATE: CONTACT:

September 12, 2017
Michael McCarthy, City Manager

PHONE: EMAIL:

(831) 646-3760 mccarthy@monterey.org

**ADVERTISING OF SHORT TERM RESIDENTIAL RENTALS PROHIBITED IN
MONTEREY NEIGHBORHOODS** Notices and potential fines begin October 1, 2017

Monterey, CA. – Residential property owners are not allowed to advertise short-term rentals in the City of Monterey's residential zoning districts. The Monterey City Code July 1, 2007

(MCC), Section § 22-19.5 "Advertisement of short-term rentals" ordinance was passed by Anne McGrath and the Monterey City Council in April 2017.

Short term rentals (a rental period of less than 30 consecutive days) have been illegal in the City's residential district since the early 90's. Violators of this prohibition receive a \$1,000 penalty. Given the growth in popularity of short term rentals on the Peninsula and the increase in violations, the City solicited community input on the issue.

“After listening to many residents’ concerns, the Council came to the best decision for the

community as a whole," said City Manager Mike McCarthy. "Keeping our neighborhoods united, strong, and safe was the ultimate goal."

The City will begin notifying those who are in violation of the advertising prohibition on October 1, 2017. In order to comply, residential property owners in violation are required to cease and desist advertising their property or any part of it as a short-term rental within fifteen days of the date of notification. Continued violations will be cited at a rate of \$100 - \$200 per day. Violators who execute illegal short-term rentals will be cited \$1,000.

The full text of the MCC ordinance is available at the Monterey Public Library and online at www.codepublishing.com/CA/Monterey/. A Monterey City Code link is also available on Monterey.org. Questions can be directed to City of Monterey Code Compliance Office at (831) 646-3886.

From: [Katie Coburn](#)
To: [MM Robbins](#); [Agron Dale And Neil](#); [Oshea Lorraine](#); [Alway Michelle](#); pulses@earthlink.net; [K Girl Gelff](#); [Bernardi Patricia](#); quailmeadows@gmail.com; wizman@earthlink.net; [Trask Barbara](#); cvalanduse@gmail.com; [Beretti, Melanie x5285](#); [Erickson Molly](#); [100-District 4 \(831\) 883-7570](#); priswalton@sbcglobal.net; gabbywalters1936@gmail.com
Subject: Monterey to enforce daily fines on short-term rental operators
Date: Wednesday, September 13, 2017 9:38:10 PM

FYI

<http://www.montereyherald.com/government-and-politics/20170913/monterey-to-enforce-daily-fines-on-short-term-rental-operators>

Sent from my iPad



Date: September 12, 2017

To: Monterey County Planning Commissioners

CC. Melanie Beretti, Monterey County Resource Management Agency and
California Coastal Commission

From: Owners at Monterey Dunes Colony Association (MDCA)

Subject: Support for restrictions on STRs in Monterey County

Dear Commissioners:

We are a group of homeowners at Monterey Dunes Colony (MDC), a Homeowners Association (HOA), located in the Coastal Zone.

What we are supporting:

- 1) Restrictions on Short Term Rentals (STRs) for residential units that are not primary residences to limit commercialization of the Colony and Coastal Zone.**
 - a) A limit on the number of nights per year of rentals. We recommend a limit of 100 rental nights per year; and/or**
 - b) A percentage cap on the number of units in a Homeowner Association (HOA) that can rent. We recommend 25% of total units in any HOA community.**
 - c) A rigorous permit process, especially for Coastal Zone HOAs, taking into consideration infrastructure issues such as traffic conditions and water and sewer systems.**
 - d) A provision that HOAs supply the names of owners who rent to encourage compliance with and payment of occupancy taxes.**
- 2) Allocation of transient occupancy taxes to the Resource Management Agency to fund enforcement personnel.**
- 3) Preservation of MDC as primarily a residential community that values and protects the dunes and wildlife unique to beachfront property in the Monterey Bay and that is accessible to the public.**

What is MDCA?

- 1) MDCA is a HOA established in 1974 comprised of 120 housing units just off Molera Road on the ocean side of Coastal Highway 1. Renting was allowed in the original MDCA CC&Rs.
- 2) Ten years ago there were approximately 20 units being rented; today there are more than 40, in part a result of Airbnb and VRBO booking services. As a direct consequence, we are experiencing degradation of the communal atmosphere and behavioral problems by renters. Our biggest problems come from units that are operated as rental businesses.
- 3) Many owners rent more than 100 days per year; some more than 200. There are owners of multiple rentals and absentee landlords.
- 4) Recently the Association attempted to amend its CC&Rs to put a cap of 25% on total rentals, allowing all current owners to be grandfathered. A majority

of owners voted for the amendment, but the vote fell short of the required 2/3 of all owners (not just voters).

We do not represent the Board of Directors, nor do we claim or imply that our suggestions above are supported by a majority of homeowners.

In sum, we favor restrictions that slow the conversion of residential to rental properties and that prioritize homeowner over transient occupancy and the preservation of the natural habitat in the Coastal Zone.

Signed By:

All addresses are Monterey Dunes Way, Moss Landing.

Ted & Marcia Adams (162)
Eddie & Lois Anderson (224)
Dave & Rhonda Anderson (266)
Donna & Ralph Briskin (206)
David Carver and Julia Colleta Carver (138)
Marilyn Fraser (280)
Fran & John Gentry (184)
Jim & Lynn Gibbons (218)
Mary Ann Hoisington (200)
Marilyn Karsten (220)
Ron Krausz (314)
Dorian Krausz (316)
George & Mary Ellen Maciag (310)
Harley McAdams & Lucy Shapiro (156)
Perry & Martha McCarty (218)
Bill & Joann McGowan (242)
Bill Michaels (268)
Tom & Susan Nolan (148)
Patricia Schroeder (328)
Jeff & Edith Schwartz (326)
Vicki Slichter (142)
John & Clara Steinhart (160)
Don Tenenbaum (118)
Frank & Parm Williams (190)

From: [Bruce Britton](#)
To: [Beretti, Melanie x5285](#)
Subject: STR ordinance
Date: Wednesday, September 06, 2017 9:08:28 AM

Hi Melanie,

I hope you had a chance to take a break this summer and recharge your batteries for going into the fall.

I'm just checking in to see how you're doing with the STR ordinance and to see if you have any idea as to your timing on presenting your work to the Planning Commission. I know you have a lot on your plate but an idea of your timing would be very helpful to MCVRA as we would like to add our input into the process.

A number of our members have been cited lately which is putting additional pressure on them and you to finalize the ordinance as soon as possible.

I would like to once again go on record as opposing the use of the San Francisco ordinance as a template for Monterey County. The City of San Francisco's issues aren't even close to the issues here in Monterey County.

Please let me know your vision for the timing going forward and know that Jan Leasure and I are always available to provide help and information if you should need it.

Thanks for your hard work on this issue. We need to get it done so we can all move on to other issues.

Sincerely,

Bruce Britton

Sent from my iPhone

1.2 WHAT IS THE GENERAL PLAN?

The General Plan responds to, and its authority derives from, the California Government Code, Section 65302. It is the principal policy document for guiding future conservation and development of the city. It represents an agreement among the citizens of Pacific Grove on basic community values, ideals, and aspirations to govern a shared environment. The Plan has a long-term horizon, addressing an approximately 15-year time frame. Yet it brings a deliberate, overall direction to the day-to-day decisions of the city council, its commissions, and City staff. The Plan—

- Expresses the desires of Pacific Grove residents in regard to the physical, social, economic, cultural, and environmental character of the city;
- Serves as a comprehensive, day-to-day guide for making decisions about land use, economic development, road improvements, and protecting natural resources and the public health and safety;
- Defines a realistic vision of what the city intends to be in 15 years;
- Charts the course of conservation and development that will determine the future character of Pacific Grove;
- Serves as the City's "constitution" for land use and community development (all zoning, subdivision, and public facilities ordinances, decisions, and projects must be consistent with the General Plan).

1.3 ORGANIZATION OF THE PLAN

State law requires cities to prepare General Plans covering at least seven subjects—land use, circulation (transportation), housing, open space, conservation, noise, and safety. General Plans may also address any other subjects which, in the judgment of the legislative body, relate to the physical development of the city (Government Code §65303).

The Plan is made up of a text, diagrams, and other illustrations. The text is arranged in chapters. Figure 1-3 at the end of this chapter shows the relationship of the Pacific Grove General Plan chapters to the seven elements and the subordinate issues that State law requires to be addressed.

Starting with Chapter 2, each chapter begins with a description of existing conditions or a discussion of problems or both. Desired future conditions are stated in the form of *goals, policies, and programs* which are the essence of the Plan.

1.3.1 Maps and Diagrams

Accompanying this text as an integral part of the General Plan is the official Land Use Map. The map is drawn at a scale of one inch to 400 feet on a 1992 base map. Maximum allowable population densities and building intensities are presented in Chapter 2, Land Use, for the categories shown on the Land Use Map.

A separate Circulation Map appears as Figure 4-2 in Chapter 4, Transportation. This map shows the existing and proposed street system, with streets categorized according to their function as local streets, collectors, or arterials.

1.3.2 What Is Adopted

All of the text in Chapters 1 through 11 is adopted, including historical and physical background. These statements are all a part of the General Plan. Figure 1-2, the Land Use Map, the maps in the transportation chapter, and the noise contour map in Chapter 10 are adopted. All other maps and graphic illustrations and their captions, unless otherwise specified in the related text and their titles, are illustrative or provide basic information, and are not adopted as statements of policy.



Entering Pacific Grove

Handwritten signature or initials in blue ink.

4. Community Development Department staff will prepare a report to the planning commission for the public hearing, describing in detail the proposed amendment, any environmental or other impacts that may result, and comments from other City departments or affected governmental agencies. The staff also will state whether the commission should recommend the amendment to the city council for approval or denial. The staff report is sent to the commission and the applicant. The staff report, comments from the applicant, and other public testimony become factors in the commission's action.
5. The planning commission recommendation is reported to the city council. The council holds a public hearing and acts on the proposed amendment.

Good planning practice suggests that any decision on a General Plan amendment must be supported by findings of fact. These findings are the rationale for making a decision to either approve or deny a project. At least the following standard findings should be made for each General Plan amendment:

- The proposed amendment is deemed to be in the public interest.
- The proposed General Plan amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.
- The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.
- The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

City-initiated amendments, as well as amendments requested by other public agencies, are subject to the same basic process and requirements described above to insure consistency and compatibility with the Plan. This includes appropriate environmental review, public notice, and public hearings leading to an official action by council resolution.

1.9 RELATION TO OTHER DOCUMENTS

The City regulates the use of property within its jurisdiction through the General Plan and zoning, subdivi-

vision, and building regulations for the purpose of promoting the health, safety, and welfare of the public. The General Plan is a legal document, adopted by the city council, which bears on development and redevelopment in the city. Other legal documents are also adopted by the city council and affect development in the city. They include the Local Coastal Program Land Use Plan (LUP), the Zoning Ordinance, the Subdivision Ordinance, and building regulations. The General Plan is at the apex of all of these land use regulations. Following adoption of the General Plan, any regulations in the zoning, subdivision, building, and other ordinances that are not consistent with the Plan will be amended to insure consistency.

The Local Coastal Program Land Use Plan (LUP) is required under the provisions of the California Coastal Act of 1976, as amended, for all areas within the state's coastal zone. The LUP for Pacific Grove was adopted by the city council on June 7, 1989, as an element of the City's General Plan. Although every attempt has been made to assure consistency between the LUP and the chapters of the General Plan, in the event of conflict, the LUP takes precedence over the General Plan within the coastal zone.

The Zoning Ordinance is one of the many programs that implement the General Plan. It is more detailed than the Plan and regulates development lot-by-lot, based on the General Plan's goals, policies, and Land Use Map. The Zoning Ordinance divides the city into districts, or zones, that specify allowable uses for real property, and size restrictions for buildings within these districts.

The Subdivision Ordinance regulates and controls the design and improvement of subdivisions, including condominiums, and establishes requirements for tentative and final maps.

The General Plan is organized to fit Pacific Grove and the way the City conducts its review and approval of land use and development. The organization of the Plan does not always correspond with the way that State law sets forth the requirements for elements of General Plans. The following table, Figure 1-3, shows the relationship of the chapters in this General Plan to the requirements in the State-mandated elements.

4

Telecommuting • A work arrangement in which the worker stays at home or in a location other than the primary place of work, and communicates with the workplace via telephone lines. The use of modems, fax machines, and other electronic devices in conjunction with computers allows workers in some fields to “commute” to work electronically.

Topography • Configuration of a surface, including its relief and the position of natural and man-made features.

Transit • The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transit, Public • A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called “Mass Transit.”

Transitional Housing • Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See “Homeless” and “Emergency Shelter.”)

Transportation Demand Management (TDM) • A strategy aimed at meeting transportation needs by changing demand patterns. TDM actions include shifting trips away from single-occupant driving to transit, car/vanpooling, walking, and bicycling; shifting trips to hours when there is more capacity; or even reducing overall demand for travel through computer technology and planned mixed-use developments. TDM can be an element of TSM (see below).

Transportation Systems Management (TSM) • The philosophy of improving the transportation system by managing it more effectively, rather than simply investing in costly roadway and parking expansion improvements. TSM measures are characterized by their low cost and quick implementation time frame, such as ride-sharing promotion; improvements in local bus fares, routes, and schedules; bicycle paths; pedestrian separations; curb-parking restrictions; and bus-stop relocation.

Trees, Street • Trees strategically planted—usually in parkway strips, medians, or along streets—to enhance the visual quality of a street.

Trip • A one-way journey that proceeds from an origin to a destination via a single mode of

transportation; the smallest unit of movement considered in transportation studies. Each trip has one “production end,” (or origin—often from home, but not always), and one “attraction end,” (destination).

Trip Generation • The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

Truck Route • A path of circulation required for all vehicles exceeding set weight or axle limits, a truck route follows major arterials through commercial or industrial areas and avoids sensitive areas.

Tsunami • A large ocean wave generated by an earthquake in or near the ocean.

Underutilized Parcel • A parcel that is not developed to its full zoning potential.

Uniform Building Code (UBC) • A national, standard building code that sets forth minimum standards for construction.

Uniform Housing Code (UHC) • State housing regulations governing the condition of habitable structures with regard to health and safety standards, and which provide for the conservation and rehabilitation of housing in accordance with the Uniform Building Code (UBC).

Urban Design • The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

Use • The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the City or County zoning ordinance and General Plan land use designations.

Use, Nonconforming • (See “Nonconforming Use.”)

Use Permit • A discretionary land use entitlement designed to provide some flexibility from the strict terms of zoning regulations, issued to a property

prepare and maintain a current Housing Element as part of the community's General Plan in order to attain a statewide goal of providing "decent housing and a suitable living environment for every California family." Under State law, Housing Elements must be updated every five years.

Housing Authority, Local (LHA) • Local housing agency established in State law, subject to local activation and operation. Originally intended to manage certain federal subsidies, but vested with broad powers to develop and manage other forms of affordable housing.

Housing Unit • The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. (See "Dwelling Unit," "Mobile Home," "Family," and "Household.")

Impact • The effect of any direct actions by humans or indirect repercussions of such actions on existing physical, social, or economic conditions.

Impact Fee • A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce. California Government Code Section 66000, *et seq.*, specifies that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund.

Implementation • Actions, procedures, programs, or techniques that carry out policies.

Improvement • The addition of one or more structures or utilities on a parcel of land.

Industrial • The manufacture, production, and processing of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying, and factories; and "light industrial" uses, such as research and development and less intensive warehousing and manufacturing.

Infill Development • Development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

Infrastructure • Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

In-lieu Fee • (See "Dedication, In lieu of.")

Institutional Use • (1) Publicly or privately owned and operated activities such as hospitals, museums, and schools; (2) churches and other religious organizations; and (3) other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

Inter-agency • Indicates cooperation between or among two or more discrete agencies in regard to a specific program.

Integrity (as used in historic preservation) • The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

Intensity, Building • In the Pacific Grove General Plan, standards of building intensity for residential uses are stated as the allowable range of dwelling units per net acre. Standards of building intensity for non-residential uses are stated as maximum floor area ratios (FARs).

Issues • Important unsettled community matters or problems that are identified in a community's General Plan and dealt with by the plan's goals, objectives, policies, plan proposals, and implementation programs.

Joint Powers Authority (JPA) • A legal arrangement that enables two or more units of government to share authority in order to plan and carry out a specific program or set of programs that serves both units.

Landslide • A general term for a falling mass of soil or rocks.

Land Use • The occupation or utilization of land or water area for any human activity or any purpose defined in the General Plan.

Land Use Classification • A system for classifying and designating the appropriate use of properties.

Land Use Element • A required element of the General Plan that uses text and maps to designate the

General Plans spell out the objectives, "principles," standards, and proposals of the General Plan. "Adjacent land uses should be compatible with one another" is an example of a principle.

Private Road, Private Street • A way for motor vehicle traffic not dedicated as a public street, which is used for ingress to or egress from one or more lots, and which is privately maintained. Usually, the owner posts a sign indicating that the street is private property and limits traffic in some fashion. For purposes of density calculations, aisles within and driveways serving private parking lots are not considered private roads.

Program • An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the "who," "how" and "when" for carrying out the "what" and "where" of goals and objectives.

Protect, v. • To maintain and preserve beneficial uses in their present condition as nearly as possible. (See "Enhance.")

Public and Quasi-public Facilities • Institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

Rare or Endangered Species • A species of animal or plant listed in: Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

Ravelling • An erosion process in which the soil surface crumbles and falls away.

Recognize, v. • To officially (or by official action) identify or perceive a given situation.

Reconstruction (as used in historic preservation) • The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared during a specific period of time. Reconstruction should be undertaken only when the property to be reconstructed is essential for understanding and interpreting the value of an historic district and sufficient documentation exists to insure an exact reproduction of the original. (See "Historic Preservation.")

Recreation, Active • A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and

soccer fields, tennis and basketball courts and various forms of children's play equipment.

Recreation, Passive • A type of recreation or activity that does not require the use of organized play areas.

Recycle, v. • The process of extraction and reuse of materials from waste products.

Redevelop, v. • To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional • Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional Housing Needs Plan • A quantification by a COG or by HCD of existing and projected housing need, by household income group, for all localities within a region.

Regional Park • A park typically 150-500 acres in size focusing on activities and natural features not included in most other types of parks and often based on a specific scenic or recreational opportunity.

Regulation • A rule or order prescribed for managing government. Zoning and subdivision ordinances are largely made up of definitions, procedures, standards, and regulations.

Rehabilitation • (1) The repair, preservation, and/or improvement of substandard housing; (2) as used in historic preservation: the process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values. (See "Historic Preservation.")

Remodeling (as used in historic preservation) • Making over or rebuilding all or part of an historic structure in a way that does not necessarily preserve its historical, architectural, and cultural features and character. (See "Historic Preservation.")

Residential • Land designated in the City or County General Plan and zoning ordinance for buildings consisting only of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

see definition of dwelling unit

square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. Under California law, a housing development that provides 20 percent of its units for lower income households, or 10 percent of its units for very low-income households, or 50 percent of its units for seniors, is entitled to a density bonus.

Density, Control of • A limitation on the occupancy of land. Density can be controlled through zoning in the following ways: use restrictions, minimum lot-size requirements, floor area ratios, land use-intensity ratios, setback and yard requirements, minimum house-size requirements, ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Allowable density often serves as the major distinction between residential districts.

Design Review; Design Control • The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. "Design Control" requires that certain specific things be done and that other things not be done. Design Control language is most often found within a zoning ordinance. "Design Review" usually refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by a specially established design review board or committee. (See "Architectural Control.")

Development • The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.

Development Fee • (See "Impact Fee.")

Development Rights • The right to develop land by a land owner who maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. For example, one development

right may equal one unit of housing or may equal a specific number of square feet of gross floor area in one or more specified zone districts.

Discourage, v. • To advise or persuade to refrain from.

Disability • Physical or mental impairment that substantially limits one or more of the major life activities of an individual, or a record of such impairment, or being regarded as having such an impairment.

Duplex • A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit • A room or group of rooms—including sleeping, eating, cooking, and sanitation facilities—that constitutes an independent house-keeping unit, occupied or intended for occupancy by one household on a long-term basis (*i.e.*, for more than 30 days.)

Easement • Usually the right to use property owned by another for specific purposes or to gain access to another property. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

Easement, Conservation • A tool for acquiring open space with less than full-fee purchase, whereby a public agency buys only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land) or they may be restrictive rights (limiting the uses to which the land owner may devote the land in the future.)

Easement, Scenic • A tool that allows a public agency to use an owner's land for scenic enhancement, such as roadside landscaping or vista preservation.

Ecology • The interrelationship of living things to one another and their environment; the study of such interrelationships.

Ecosystem • An interacting system formed by a biotic community and its physical environment.

Elderly • As generally used in the Housing Chapter, persons 65 years of age and older. The City's secondary housing unit ordinance defines seniors as persons 60 years of age and older. (See "Seniors.")

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Subject: Please add to the formal record Fwd: Why don't you care whether Type A short term rentals are legal?
Date: Tuesday, August 22, 2017 9:29:26 PM
Attachments: [Scan_0005.pdf](#)
[Scan_0009.pdf](#)
[Scan STR.pdf](#)
[Scan_0020.pdf](#)

Please add this to the formal record.

Thanks,

Bob

Begin forwarded message:

From: John Moore <jmoore052@gmail.com>
Subject: Why don't you care whether Type A short term rentals are legal?
Date: August 22, 2017 at 6:56:40 PM PDT
To: Bill Kampe <bkampe@cityofpacificgrove.org>, huitt <huitt@comcast.net>, Cynthia Garfield <cjgarfield@sbcglobal.net>, "k. cuneo" <kencun17@sbcglobal.net>, Nicholas Smith <nicksmith20@gmail.com>, Rudy Fischer <rudyfischer@earthlink.net>, Bill Peake <billpeakepg@gmail.com>, jcbarchfaia@att.net, robinaeschliman@aol.com, mchakwin@outlook.com, boxwood@me.com
Cc: Carly Mayberry <cmayberry@montereyherald.com>, Alec Murdock Outside the Box <AlecOTB@arrowkite.com>, Mary Duan <mary@mcweekly.com>, "mheditor@montereyherald.com" <mheditor@montereyherald.com>, "paul@carmelpinecone.com" <paul@carmelpinecone.com>, Jane Parker <district4@co.monterey.ca.us>, "editor@cedarstreettimes.com" <editor@cedarstreettimes.com>

To: The Pacific Grove City Council and Planning Commissioners:
According to the Pacific Grove General Plan

My intuition is that most of you believe that it is important to obey state and City law, but believe that if Type A STR were illegal, as set forth in the city General Plan and state law, the city attorney, who has a duty to advise you on all legal issues, would advise you whether Type A STR are legal or illegal. Some of you may assume that the city attorney has given you an opinion that Type A STR are legal, either directly, or, through the city manager, but he has not.

The legality of Type A STR involves tens of millions of dollars, including liability for that amount if you are wrong. Isn't it worth a written legal opinion from the city attorney, setting forth the language in the general plan and any other legal authorities, to support an opinion that such STR are legal. You are entitled to know. So are voters.

You are not entitled to assume that type A STR are legal unless you are

reasonably certain that it is so. I have attached the sections of the Pacific Grove General Plan that prove beyond all doubt that Type A STR are illegal. All you need do is read them.

Scan 0005 and 0009 certify that zoning ordinances, like type A STR, must follow and are subject to the general plan. Read them!

Scan STR is a three page part of the general plan, describing "Household Units" and "Residential" by a direct reference to "Dwelling Unit" which describes a household occupied or intended for occupancy on a long term basis (which is specifically defined as longer than 30 days) "Read the definitions.

I have added Scan 20 which is the part of the general plan that defines "USE." No surprise, that as applied it means that a use of a household for "less than 30 days" is an illegal residential use.

The Type A STR ordinance is a zoning ordinance that is directly in breach of the city general plan and state law. Yet, I believe that council members Huitt and Peake are the only office holders among you that voted against the ordinance.

Please e-mail me your basis for believing that Type A STR are legal. Those of us who believe that our civil rights are violated by type A STR are entitled to know.

Respectfully submitted, John M. Moore,

From: [Gary Patton](#)
To: [Dan Carl](#); [Craig, Susan@Coastal](#); [Kevin Kahn](#); [Mike Watson](#); [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
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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,

A handwritten signature in black ink, appearing to read "gpatton", written in a cursive, flowing style.

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

- 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.

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

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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. 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, Kikuyu 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 [REDACTED].
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 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 ³	Estimated Additional Units ¹ or Beds in Big Sur
Residential				
Principal Residences	WSC; RR; VCSC ²	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
Employee Housing				
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 ³ 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
Commercial Development not including visitor accommodations or resorts such as inns, motels & hotels (e.g., restaurants, retail, etc.)				

¹ “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.

² 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.

³ 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 ³	Estimated Additional Units ¹ 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.	
Visitor Accommodations				
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 ³				
	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. ⁴	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 ⁴	50 Units ⁵
Campgrounds				
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 ⁴	

⁴ For RR & WSC, the parcel must have unshared direct access to Highway 1, not using Palo Colorado or Sycamore Canyon Road.

⁵ "Unit" for bed & breakfast facilities equals one bedroom.

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards³	Estimated Additional Units¹ or Beds in Big Sur
Rustic Campgrounds ⁶ , Hike-In and Environmental Campsites (Not allowed in RR)	VCSC	5 spaces per acre		
	PQP	5 spaces per acre		

⁶ 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>CROSS SLOPE</i>	<i>DWELLING UNIT/ACRE</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.

24760 Pescadero Rd
Carmel, Ca 93923

August 16, 2017

Mr. Josh Bowling
Code Enforcement Officer
1441 Schilling Place
Salinas, Ca 93901



Ref: Case 17CE00109

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As you can see Carmel by the Sea has been successful in their aggressive pursuit of owners of short term rentals who are operating without a permit. I understand that Monterey County has assigned a "Priority 3" for enforcing the ordinance now in effect. I have written to Mary Adams, Supervisor for District 5 in asking for her help in moving up the priority and assigning more funds towards code enforcement. My husband is 81 years old and having a revolving door of strangers next door (who have not been screened) is a safety issue.

You may reach me at any time at 831-625-1983 and/or lise-carmel@msn.com.

Thank you.

Lise Aissen

Encl.

HOUSING

From page 8A

and policemen, many of whom work in P.G. but don't live there because it's too expensive.

Building affordable housing in downtown Pacific Grove, and specifically on the city-owned parking lot to the rear of Lighthouse Cinema at 525 Lighthouse Ave., drew the most support from council members. The lot has more than 125 parking spaces.

"Downtown is the best opportunity for future development," councilman Robert Huit said. "I like the parking lot behind the theater as a potential site; I think we should keep our eye on that."

Mayor Bill Kampe also liked the idea of housing downtown, as did Councilman Ken Cuneo, who said residents there would be close to shops and other amenities.

Other possible housing areas include the city-owned corporate yard, the community center, other municipal parking areas and on property owned by the Pacific Grove Unified School District.

"Our school district has some properties that they might be interested in developing for their own teachers," Brodeur said.

Some of the initiatives that Brodeur presented included placing affordable housing high on the water waiting list — above hotels and other commercial projects; keeping an allocation of water in a community reserve for affordable hous-

ing; and asking voters to change the zoning of certain districts to allow for housing.

The city could also adopt a tiny house ordinance to allow development on lots that are otherwise considered by the city to be too small for residential development.

"Why not think of tiny homes on those parcels?" Brodeur said. "It wouldn't change the world overnight here, but it would be a small step."

He said the city could relax development standards for affordable housing, such as eliminating parking requirements for projects close to public transportation, allowing the use of hybrid, prefabricated and modular building materials for such units, and eliminating architectural review board reviews for projects of seven or fewer affordable units.

Desperately needed

The city could also identify businesses and parcels that have excess water credits — mainly businesses on Forest Hill — and "encourage and incentivize development of mixed-use residential" buildings with affordable units. The city could also partner with churches with large parcels to encourage senior housing, he said.

Pacific Grove has 68 affordable housing units, the second fewest in Monterey County, according to data released in May by LandWatch Monterey County.

Council members were receptive to the ideas. In 2013, though, the council sided with residents of the Del Monte Park neighborhood area of the city who complained about a Pebble Beach Company-funded affordable housing project

near them. Despite the city's opposition, Monterey County approved the Pebble Beach project.

RENTALS

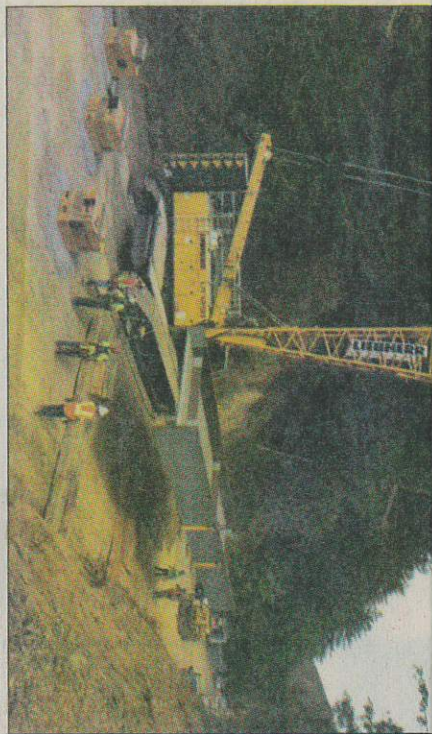
From page 5A

rent out their homes for short stays, Mozingo encouraged people breaking the law to take advantage of a 90-day amnesty period that's starting Aug. 15.

"If they contact the city attorney's office and provide it with the documentation showing they are ceasing the practice" and can pay the hostelry taxes they would have owed had the rental been legal, the city will waive the rest, Mozingo said.

"After that 90-day period, there will be no further amnesty for those overall expenses, and we will pursue prosecution," he warned. "The 1989 ordinance that we are enforcing has been challenged at the state and federal level, and both state and federal courts have let stand our ordinance as enforceable."

According to the city, short-term rentals disrupt neighborhoods, negatively affect property values, and deprive the city of hotel taxes, which account for the single biggest revenue source in the annual budget.



PHOTO/KYIE EVANS

A giant crane helps deliver a girder to the site of the Pfeiffer Creek bridge project this week. The deliveries will continue for about another week, and if all goes according to plan, the new bridge will open in late September. See page 13A.

'Secret weapon' to help city stop short-term rentals

By MARY SCHLEY

CITY OFFICIALS will soon be taking advantage of a service that should save hours of work time and be much more efficient at finding short-term rentals, which are illegal in the residential areas of town.

Host Compliance will be paid just under \$11,000 per year to search all websites advertising rentals shorter than 30 days and send monthly reports detailing active listings, including screen shots, addresses and contact information for each rental, according to the contract signed by planning director Marc Wiener July 18. The company will also set up a 24-hour hotline for neighbors to "report non-emergency problems" related to the rentals. They'll be documented and compiled in weekly reports detailing the number and types of complaints, as well as which properties were involved.

"This is the secret weapon that we were talking about a

Not enough bedrock

Shivers said a bridge isn't feasible because the site doesn't have enough bedrock to support the abutments it would need. There also isn't enough room, and the soil is too soft to support so much weight.

Also ruled out was a mile-long tunnel because it could take years to get the plans through the environmental review process — not only delaying the reopening of the scenic route, but adding considerable cost to taxpayers. Building a tunnel or a bridge would require that more debris be pushed into the ocean — something Caltrans is trying to minimize.

It's unclear how much of the debris Caltrans plans to haul away. The slide buried one-quarter

See **SLIDE** page 274

year ago," when the most recent effort to enforce the city's ban on short stays got underway, city administrator Chip Rering said this week.

According to the company's website, its mission is to help cities "struggling to come up with a fair and effective system for maximizing the benefits of home-sharing while mitigating any negative impact on neighbors and the community."

Host Compliance also assists officials in understanding "the scale and scope of the short-term rental activity in their community and enact short-term rental regulations that minimize any noise, trash, parking and traffic problems, as well as impacts on housing and neighborhood character." In addition, the service helps enforce the rules, "so city staff can focus on higher value-added activities,"

See **SECRET** page 164

people who thank the servers are getting less than anyone who has direct contact with customers. And in pricey restaurants in places like Carmel and Pebble Beach, where servers can make more than \$100,000 a year, the discrepancy is becoming large enough to cause labor problems.

Meanwhile, restaurant owners say they can't just raise prices to pay their kitchen staff more, because their customers will just go elsewhere or decide to eat at home. Plus, raising prices just increases the tips that are the source of the discrepancy in the first place. So several owners of downtown restaurants are planning to add a 2 percent surcharge to bills — an amount that's turned into a de facto tip that goes to cooks, dishwashers and the like.

Luca leads charge

At a meeting of more than a dozen restaurateurs Wednesday morning, Cantinetta Luca owner David Fink announced the new charge is already in place there, and others said they plan to follow suit.

"It's no surprise to anyone that our biggest challenge has been labor and finding staff," Fink said at the start of the group's monthly meeting, held at Anton & Michel. Thirty percent of restaurants are fully staffed, while the rest don't have enough employees, usually in the kitchen.

Part of the problem is the pay gap. Wait staff at Luca, for instance, take in \$35 to \$55 an hour after tips, while workers in the kitchen earn \$13 to \$25 per hour. As a result, many cooks wonder why they should bother to work so hard for so little, he said, noting that some of the servers in his company, which includes the upscale L'Auberge Carmel hotel and its restaurant, Aubergine, "make six figures."

See **SURCHARGE** page 164

THE DOOR COMPANY
GARAGE DOORS AND GARAGE

V2

SECRET

From page 1A

and can even aid in the collection of hostelry taxes from property owners with legal short-term rentals.

But in Carmel, it will mostly be used to find the people breaking the rules. Wiener said the service uses assessor's parcel numbers to find short-term rental listings across 20 or so websites, not just the few major ones that city employees have been spending their time searching.

"In theory, it should be able to go on all those websites, identify short-term rentals, and create a list for us," he said.

The information will not only be more thorough and neatly compiled, but the service will significantly reduce the time city employees spend combing through the sites themselves in search of the information. Wiener couldn't say how much time, exactly.

"It's going to save hours a week in staff time," he said. "Once we have the list, we're still going to have to verify, but at least we're working off a premade list."

He and company representatives are planning to meet at the end of the week to finalize the details, "and we'll roll it out in a couple of weeks," he said.

Subpoenas and lawsuits

In the meantime, Wiener said the number of illegal rentals in town has already dropped since the city ramped up its efforts to stop them. Many owners stopped advertising their properties after receiving initial warning letters. Further, the city's attorneys have shown they mean business by getting the city council to authorize a legislative subpoena for records from VRBO.com and by suing one couple in Monterey County Superior Court to force them to cease advertising their short-term rental located on the north side of town.

On VRBO.com in particular, Wiener said, "we really focused on that website quite a bit, and I think we got it down to only three or four that were listed as short-term rentals."

However, he admitted, "it's constantly in flux."

While other Monterey Peninsula cities and the county continue to grapple with the issue, including how and where to allow short-term rentals, Carmel's ban on short stays in the town's residential areas has withstood legal challenges in the state and federal courts.

Houses and apartments located in the commercial districts, however, can be operated as short-term rentals, such as the large house on Lincoln Street between Fifth and Sixth avenues that once was a shop but is now let out for \$750 per night. The challenge there, Rerig said, is getting the owners to pay the transient occupancy taxes they owe on that income, just as hotels are required to pay. TOT is the single largest source of revenue for the general fund, and the 2017-2018 budget estimates the amount will exceed \$6.2 million out of total revenues of \$21.9 million by the time the fiscal year ends on June 30, 2018.

Aug. 13

shorter route follows the flat loop around the park, the Mountain Challenge Course takes runners along the loop and then up Fern Trail to Mesa, and on up the mountain, before circling back around for the descent. The route includes dryer, sunnier, more arid terrain, along with forested hills and canyons.

Prizes for completing the challenge include awards for the top three male and female finishers in each age group, goodie bags and other treats. Race-day check in and bib pickup will begin at 6:45 a.m., with the runs starting at 8 a.m. Finishers will need to be done by 11 a.m.

Pre-race registration on Active.com online is \$35; entry fee for the day of the event costs \$40. All proceeds benefit the community. Garland Park is located at 700 West Carmel Valley Road.

Visit cvkclub.org for more information.

FRANCES K. WRIGHT

Nov. 4, 1933-March 11, 2017

PHILIP L. WRIGHT

June 2, 1926-June 22, 2017

Phil and Frances started their story on Aug. 28, 1950 when they married in a small civil ceremony in Fresno, Ca. They moved from the San Joaquin Valley to the Monterey Peninsula in the 1950s. They moved to Carmel Valley in 1960 where they raised their family, and remained for the rest of their time.

They were active members in the community. Phil was in the Lions Club and Frances was a Lionette. They participated in many fundraisers and supported many youth activities.

They were happily married for 66 years and were true soul mates. You rarely saw one without the other, and it stayed that way throughout their lives.

They were self-employed entrepreneurs. Phil owned and operated Phil Septic Tank Service and Frances owned and operated the iconic Chatterbox Restaurant in the village. Her family and restaurant were her life. Nothing gave her more joy and fulfillment than taking care of family, friends and patrons.

Please help us celebrate their lives at the Carmel Valley Community Center from noon to 2 p.m. on Saturday, Aug. 12, 2017.

JEFFREY ROBERT STRAIN

May 17, 1949 — June 23, 2017

Melanie, FYI Lisa

August 11, 2017

The Carmel Pine Cone

5A

Short-term renters settle with city, 'amnesty' offered to others

By MARY SCHLEY

GUADALUPE STREET homeowners Stoffer and Anna Wagelaar, who were sued by the City of Carmel in June for continuing to use their house as an illegal short-term rental, agreed to pay \$42,100 in back taxes, penalties and legal fees as part of a settlement, city attorney Glen Mozingo told the council at its Aug. 8 meeting.

In June, after repeated attempts to convince the Wagelaars to cease renting out their house near Fourth Avenue for less than 30 days at a time — and after an undercover officer succeeded in arranging short stays in the home on two occasions — the city sued them in Monterey County Superior Court to force them to stop. The suit also sought back taxes, attorney's fees, fines and penalties.

Short-term rentals have been banned in Carmel-by-the-Sea since 1989, and, faced with the likelihood they would lose, the couple relented.

"The defendant in this case was particularly cooperative," Mozingo said. "Once we got past the 'I-didn't-know-it-was-the-law,' arguments, we had some serious discussions about what it was that we were going to try to do to take care of this particular matter and to hopefully encourage others to discontinue this activity."

While the couple agreed to pay the full amount, if they continue to obey the law for the next two years, the city agreed to waive its attorney's fees and a small percentage of the penalties owed on the taxes they would have paid if they were operating a hotel, fraud penalties, and interest, according to the settlement. Their out-of-pocket costs will

actually be \$25,000, half of which they have already paid. The second \$12,500 will be paid in a year.

After the meeting, Mozingo said the deal resulted from the Wagelaars' "extraordinary cooperation."

"There was little possibility that we were not going to prevail," he added. "And I think they realized this was something they wanted to resolve without further expense."

The couple not only provided all the information and documentation the city demanded in a legislative subpoena served on short-term-rental website VRBO.com, but they worked with the company "to modify the website so that if someone goes on and tries to list a short-term rental in a residential area of the City of Carmel, the website will not permit it," he said.

The companies facilitating illegal rentals are also guilty of breaking the law, he said, and while VRBO.com is the first to make the change, others will probably follow suit.

"The website operators who are assisting in the violation of the law will have some culpability as well," Mozingo said. "They will quickly come around."

Also bolstering the city in its efforts to crack down on short-term rentals is the contract with Host Compliance, the company that will comb through all the websites marketing vacation rentals to cull a list of violators.

Considering the likelihood the city's crackdown will lead to the identification and possible prosecution of people who illegally

The city's ban has been on the books for almost 30 years

See RENTALS page 22A

24760 Pescadero Rd
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August 16, 2017

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Encl.

August 4, 2017

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See **SECRET** page 16A

SECRET

From page 1A

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RENTALS

From page 5A

rent out their homes for short stays, Mozingo encouraged people breaking the law to take advantage of a 90-day amnesty period that's starting Aug. 15.

"If they contact the city attorney's office and provide it with the documentation showing they are ceasing the practice" and can pay the hostelry taxes they would have owed had the rental been legal, the city will waive the rest, Mozingo said.

"After that 90-day period, there will be no further amnesty for those overall expenses, and we will pursue prosecution," he warned. "The 1989 ordinance that we are enforcing has been challenged at the state and federal level, and both state and federal courts have let stand our ordinance as enforceable."

According to the city, short-term rentals disrupt neighborhoods, negatively affect property values, and deprive the city of hotel taxes, which account for the single biggest revenue source in the annual budget.

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,

A handwritten signature in black ink, appearing to read "gpatton", written in a cursive, flowing style.

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

- 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.

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

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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. 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, Kikuyu 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 [REDACTED].
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 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 ³	Estimated Additional Units ¹ or Beds in Big Sur
Residential				
Principal Residences	WSC; RR; VCSC ²	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
Employee Housing				
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 ³ 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
Commercial Development not including visitor accommodations or resorts such as inns, motels & hotels (e.g., restaurants, retail, etc.)				

¹ "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.

² 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.

³ 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 ³	Estimated Additional Units ¹ 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.	
Visitor Accommodations				
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 ³				
	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. ⁴	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 ⁴	50 Units ⁵
Campgrounds				
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 ⁴	

⁴ For RR & WSC, the parcel must have unshared direct access to Highway 1, not using Palo Colorado or Sycamore Canyon Road.

⁵ "Unit" for bed & breakfast facilities equals one bedroom.

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards³	Estimated Additional Units¹ or Beds in Big Sur
Rustic Campgrounds ⁶ , Hike-In and Environmental Campsites (Not allowed in RR)	VCSC	5 spaces per acre		
	PQP	5 spaces per acre		

⁶ 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>CROSS SLOPE</i>	<i>DWELLING UNIT/ACRE</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.

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#)
Subject: Re: Pacific Grove anti-STR activities
Date: Tuesday, August 08, 2017 3:50:42 PM
Attachments: [PG Residents for Families and Neighbors - Home.pdf](#)

Hi Melanie,

Here's a pdf of the Facebook page. I'm glad you asked.

Thanks,

Bob

On Aug 8, 2017, at 2:02 PM, Beretti, Melanie x5285
<BerettiM@co.monterey.ca.us> wrote:

Hi Robert –

I do not have a work-affiliated Facebook account to view the link. Would you be able to send a PDF of the article or link your email is linking to?

Melanie Beretti
Resource Management Agency
831-755-5285

WE MOVED!!!!

COME VISIT US AT:

**1441 SCHILLING PLACE, SOUTH 2ND FLOOR
SALINAS CA 93901**

From: Robert Danziger [<mailto:bobdanziger@mac.com>]
Sent: Friday, August 04, 2017 8:56 AM
To: Michelle Alway <michellealway@gmail.com>; Gwyn De Amaral
<califwayoflife@aol.com>; Lorraine Oshea <lorrainekoshea@gmail.com>
Cc: Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>; Beretti, Melanie x5285
<BerettiM@co.monterey.ca.us>; 100-District 5 (831) 647-7755
<district5@co.monterey.ca.us>
Subject: Pacific Grove anti-STR activities

The Pacific Grove anti-short term rental group has been increasingly effective, and has an excellent Facebook page. This is the sort of thing we need to be doing.

They have yard signs, are doing petitions, have engaged attorneys who are part of their group, and have been collecting articles from other areas fighting STR. For example,

City Suspends Processing Applications for Short-Term Rentals

Pacific Grove residents are demanding their neighborhoods back.

"Previous research in cities with tight rental markets has found a link between Airbnb growth and increased housing costs. A study released last year by Keren Horn and Mark Merante found that Airbnb had a direct impact on increased housing prices in Boston."

The Golden State is slowly becoming a place where people can't afford to live in the sunshine.

NSW Airbnb hosts may have to compensate neighbours for unruly guests

Kudos to Santa Cruz! "We're the third least affordable community in the entire country as it relates to housing costs. So the 300 units is significant, that could be for a firefighter, police officer trying to stay in the neighborhood, or teacher or nurse really struggling to stay in the community," Collins said.

Great article! AirBNB keeps losing more and more lawsuits. Their strong arm is getting weak. Why the Airbnb Civil Rights Settlement Matters

https://www.facebook.com/PG-Residents-for-Families-and-Neighbors-131567020760907/?hc_ref=ARQ8LovuufydPurgelIH57actnHl3klkSC4sY0H4YAW0pwgzggQkRF2njpyIMrXTWw&fref=nf



2.8 ★★☆☆☆ 4 Reviews



Tell people what you think



★★★★★ · August 4, 2017

Pacific Grove is seen as a pioneer on setting a positive example for the rest of Monterey County, showing that Short-Term Rentals can work. Short-Term Rentals c... [See More](#)

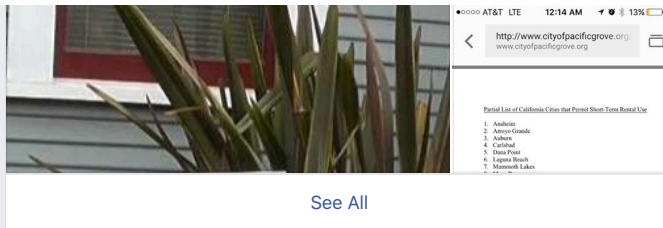


★★★★★ · August 4, 2017

Thank you for being the voice for residents, working households
, elderly on fixed income, and renters!

Photos




[See All](#)

Posts



PG Residents for Families and Neighbors

June 29 · 🌟

Welcome to our Facebook page. PG Residents for Families and Neighbors are a group of residents who have come together to preserve our neighborhoods from the continued inundation of STRs. Thank you for the support and below are some suggestions of what you can do:

1. Sign our petition.
2. Like and Share our page.
3. Display a yard sign. (Send a PM to request one)
4. Write the our City Council and staff:
 bkampe@cityofpacificgrove.org; bpeake@cityofpacificgrove.org;
 rudyfischer... [See More](#)

City Council and Mayor of Pacific Grove: Pacific Grove residents are demanding their neighborhoods back.

Non-owner occupied Short Term Vacation Rentals in Pacific Grove have had and continue to have negative impacts on our community in general. Pacific Grove's environment, housing inventory on the long term rental market, the sustainability of working households, and the character of our neighborhoods...

[CHANGE.ORG](#)


6



Write a comment...



PG Residents for Families and Neighbors

Yesterday at 10:48am · 🌟

This is an older article, but it does point out that the issue of the new "sharing economy" (i.e., Air BnB, etc.) has a lot of less than favorable consequences for the residents of the various cities where it's taken hold. Thank you for posting!



Spain election: Taking back Barcelona's apartments - BBC News

Housing activists driving radical politics across Spain have taken power in Barcelona - but the tourist trade may prove a tougher foe.

[BBC.COM](#)

Like

Comment


Share

3

Write a comment...

See All

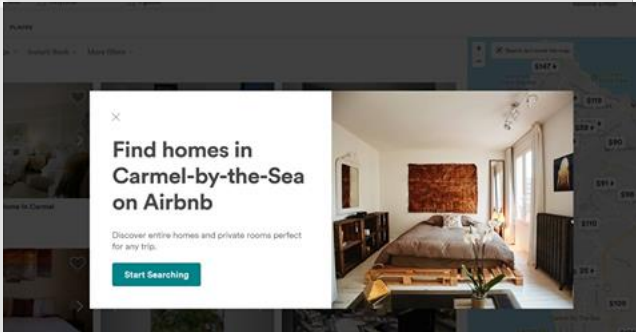
Posts



PG Residents for Families and Neighbors

August 6 at 10:52pm · 🌐

Kudos to Carmel! Time for the [City of Pacific Grove](#) to get a clue.



Carmel hires 'Airbnb police' to help stop illegal short-term rentals

As part of the City of Carmel's plan to crack down on illegal short-term rentals, its hiring an outside company to help enforce the law.

KSBW.COM


Like

Comment

Share

4

Write a comment...



PG Residents for Families and Neighbors

August 4 at 2:22pm · 🌐


Hi Neighbors! Keep showing us your signs! If you would like one, please send a message with your address and one (or two, or three) will be delivered to you!

PG Residents

for Families and Neighbors

f


PG Residents for Families and Neighbors





Bob


Home


20+











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<https://www.facebook.com/PG-Residents-for-Families-and-Neighbor...PurgellHy57actnHI3klkSC4sY0H4YAW0pwwgqgQkRF2njpjIMrXTWw&fref=nf>

Page 3 of 5



PG Residents for Families and Neighbors

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18

[Chronological](#)

Genevieve Anderson What the H--- is STR? I really miss words.
[Like](#) · [Reply](#) · August 6 at 11:07pm

PG Residents for Families and Neighbors It stands for Short Term Rental.
[Like](#) · [Reply](#) · 1 · Yesterday at 10:46am

[View more replies](#)



Write a comment...



PG Residents for Families and Neighbors

August 4 at 7:37am · 🌟

"Previous research in cities with tight rental markets has found a link between Airbnb growth and increased housing costs. A study released last year by Keren Horn and Mark Merante found that Airbnb had a direct impact on increased housing prices in Boston."



Where Airbnb Is Raising Rents

When Airbnb listings go up in a neighborhood, so too do rent prices—with some caveats.

CITYLAB.COM

[Like](#) [Comment](#) [Share](#)

Community

2.8 ★★★★★

Community

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[138 people like this](#)

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[Robert Pacelli](#) and 1 other like this

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Typically replies within an hour
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YOUR PAGES



Brandenburg 300 Proj...

CONTACTS



Kumbengo Koras



Bonnie Irwin



Fred Rotstein



Patrice Vecchione



Steve Saunders



Masahiro Nogaki



Candace Feldman...



Corinne Waters



Scott Jacobs



Cynthia Bottero



Pat Fohrman



Trino Castro



Morley Brown



Jayson Fann 2h



Spector Dancer 6h



David Rane 1d



Mike San Juan 1h



Adrienne Davenp... 1d



Anne-Mike Garai 19h



Martinez Martinez 2h



Ann Wasser 2h



Andrea Yates 2h



Chad Hawker 2h



Kristin Minnich 3h

MORE CONTACTS (14)



Anthony Harris



Keith Workman

[See More](#) ▼

From: [Robert Danziger](#)
To: [Michelle Alway](#); [Gwyn De Amaral](#); [Lorraine Oshea](#)
Cc: [Holm, Carl P. x5103](#); [Beretti, Melanie x5285](#); [100-District 5 \(831\) 647-7755](#)
Subject: Pacific Grove anti-STR activities
Date: Friday, August 04, 2017 8:56:14 AM

The Pacific Grove anti-short term rental group has been increasingly effective, and has an excellent Facebook page. This is the sort of thing we need to be doing.

They have yard signs, are doing petitions, have engaged attorneys who are part of their group, and have been collecting articles from other areas fighting STR. For example,

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Great article! AirBNB keeps losing more and more lawsuits. Their strong arm is getting weak. Why the Airbnb Civil Rights Settlement Matters

https://www.facebook.com/PG-Residents-for-Families-and-Neighbors-131567020760907/?hc_ref=ARQ8LovuufydPurgelIH57actnHl3klkSC4sY0H4YAW0pwgzggQkRF2nipyIMrXTWw&fref=nf

From: [Robert Danziger](#)
To: [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#)
Cc: [100-District 5 \(831\) 647-7755](#)
Subject: Fwd: Initial Study/Negative Declaration re proposed ordinance re Short Term Rentals, aka Vacation Rentalsntal
Date: Monday, August 07, 2017 6:16:07 PM
Attachments: [Scan_0015.pdf](#)

Please include these comments in the record. They pertain equally (actually more so) to Monterey County as Pacific Grove.

Bob Danziger, JD

On Monday, August 7, 2017 12:15 PM, john moore <jmerton99@yahoo.com> wrote:

General Comments:

1. The short term rental(STR) program is specifically subject to the Americans With Disabilities Act as set forth in the first attachment to these comments at section 36-207. Compliance will require participation and authorization by the city to provide access and disability parking, plus permitting for compliance with the ADA(toilets, showers, fire and alarm, wheel chair access etc.(See ADA site). Liability for ADA non-compliance to date may be substantial(and should be, this is inhuman).

2. STR are specifically banned by the City General Plan. Chapter 11 of the General Plan is a GLOSSARY. It is specifically supreme to all ordinances and by law, any ordinances inconsistent with the General Plan must be amended to comply with it.

2.1 The Glossary describes "Residential" as land consisting of "only" dwelling units and refers to the definition of "Dwelling Unit."

2.2 "Dwelling unit" is defined as "A room or group of rooms-including sleeping, eating,cooking, and sanitation facilities-that constitutes an independent house-keeping unit, occupied or intended for occupancy by one household on a long term basis, i.e., for more than 30 days." "Only" dwelling units is absolute.

3. According to section 1.2 of the City General Plan and by state law, the General Plan "Serves as the City's "constitution" for land use and community development. All zoning, subdivision, and public facilities, decisions and projects must be consistent with the General Plan."

3.1 The supremacy of the General Plan over all land use and facility ordinances is so defined and recognized that any expert e.g.,an attorney or Director of Planning who contends otherwise is simply lying.

3.2 The language of the City Plan is clear that any ordinance that pretends to authorize a use of less than 30 days for a "dwelling Unit" is in direct violation of the General Plan and of state law("Only for a dwelling unit"). The current STR ordinance is illegal on its face. The proposed amended STR ordinance is illegal on its face.

4. Mr. Brodeur, in a telephone conversation with Robin Huntley(Aug 4)of HCD said that the reason justifying the depletion of the City housing inventory by about 250 homes was because the homes were "empty" and not being used. According to her, he said the City was collecting data to prove that point and would provide HCD with that data. I could not find a single "empty" home. There are a lot of furnished homes that are not lived in full time, but that is absolutely a legal use and many such homes are used for week-ends and vacations.

4.1 In 2016, the City had updated the "Housing Element" of the General Plan, but did not inform that state agency that the City had a STR program that reduced its housing inventory by over 250 homes. HCD is the agency charged with assuring that every city and county in Ca. does not destroy its housing

inventory and provides loans for affordable housing programs. I filed

a complaint against the City with HCD because the mandatory "Housing Element" corruptly omitted the critical information that the City had in fact depleted its housing inventory in direct violation of the "Fair Share" statute of the Land Act. My complaint is pending, awaiting the Brodeur data about "empty" houses that he cited as the genesis and justification for that reduction in housing. Even if true, that is a bromide, not a legal justification.

4.2 It is important to understand that the illegality of the STR ordinances is not just because of a breach of the "housing element." The provisions of the General Plan that are breached by the STR ordinances are spelled out directly in the provisions I have cited above, as well as zoning maps etc., which are superior to the "housing element" because the housing element must obey the terms of the general plan.

5. The illegal zoning change from residential use to the commercial STR use is in violation of the rules of the State Water Board, because the commercial use requires a greater quantity of water than a residential use, and that is particularly true if previously the home was vacant or used only for week-ends and vacations. There is currently a cease and desist order related to the reduction of taking from the Carmel river until a new water source is created and the order lifted, until then, new uses that require more water are prohibited. An EIR is necessary to investigate this issue.

6. Govt. code 65852 states that there cannot be discrimination of uses within a zone. The limit of STR to 250, or any number violates that section and is an additional reason that the STR ordinances are invalid.

7. A city must provide its "fair share" of its regional housing needs. Govt. Code 65584. Building Indus. Assn of San Diego v. City of Oceanside(1994) 27 CA4th 744, a case where an initiative to amend the city general plan was declared illegal because it limited housing in the City below the "fair share" standard. It would be difficult to find another city like Pacific Grove that is more unable to find alternative housing for the 250 STR units removed from its housing inventory by the STR ordinances. The STR clearly violates the code provision, but at a minimum an EIR is needed to investigate the issue.

Comments Specific to Mr. Brodeurs NMD checklist:

1. As set forth in 5 above, STR have a significant negative impact on item IX.HYDROLOGY AND WATER QUALITY.

2. The STR ordinances would have a significant negative impact on item X.LAND USE AND PLANNING in that it violates every described aspect of X(b). The STR conflicts with every land use plan, policy or regulation, including but not limited to the general plan, specific plan, local coastal programs, or zoning ordinances. As set forth above, the STR violate the general plan and the state Land Use Act. It violates the coastal program and the proposed local coastal program because The Coastal Protection Law prohibits all plans and projects that are inconsistent with a city's general plan.

3. The STR ordinances have and would continue to have a significant negative impact on item XVIII.UTILITIES AND SERVICE SYSTEM because it requires new water facilities to supply the project and assurance that all utilities and service systems comply with the ADA.

\$. The STR ordinances have and would continue to have a significant negative impact on item XIII POPULATION AND HOUSING b) because they "Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;" and "c)displace substantial number of PEOPLE necessitating the construction of replacement housing elsewhere." An EIR is necessary to study this issue.

Respectfully submitted, John M. Moore, JD; Housing Advocate, Residential home owner

Planning Commission – July 26, 2017
Richard Matthews
Monterey County Vacation Rental Alliance

I know that short-term rentals are not on today's agenda but I will make two points.

First, the June 28 hearing ended very unsatisfactorily. County staff stated they would need 3-4 months to write the enforcement section of the preliminary draft ordinance. This is ridiculous! At this rate you will be holding short-term rental hearings through all of next year. We could not object to this schedule since we had each already used our 2 minutes.

County staff has already had a month now to work on this. We ask you to direct County staff to bring this back on August 30th. Owners, neighbors, buyers, and sellers all need a fair ordinance soon.

Second, short-term rentals have very, very little impact on affordable, long term housing. Mark Brodeur, Director of Community and Economic Development for Pacific Grove addressed this commission last November. He recently considered whether short-term rentals impact long term housing. He determined that short-term rentals make up only 3.2% of Pacific Grove housing. He then wrote, and I quote, "I can not see how such a small percentage (3.2%) of all units in the City degrades the long term rental market." To see Mr. Brodeur's memorandum, go to:

<http://www.mcvra.org/Mark%20Brodeur%20-%20STRs%20Do%20NOT%20Impact%20Housing.pdf>

So let's look at the unincorporated areas of Monterey County. The Monterey County Vacation Rental Alliance estimates there are 500-700 short-term rentals in the County. This correlates with the 586 short-term rental permits issued by last year in Santa Cruz County. The 2000 U.S. census determined that there were 37,579 dwelling units in Monterey County. Using our high end estimate of 700 short-term rentals in Monterey County, short-term rentals represent just 1.9% of all County housing stock. So how can such a small percentage of all units in the County degrade the long term rental market? Furthermore, how many of the 1.9% would actually be "affordable?" We asked our owners. Only 9.1% would charge less than \$2,000 per month. Combining these percentages shows that short-term rentals might add just 0.17% more affordable housing if converted to long-term rentals. The problem is local property values, not short-term rentals.

Short-term rentals impacting affordable long term housing is a myth!

I welcome any questions or comments.

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	STR
DATE RECEIVED:	7/26/17
SUBMITTED BY/VIA:	Public Hearing
DISTRIBUTION TO/DATE:	PC @ Hearing 7/26/17
DATE OF HEARING:	

July 26, 2017

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	Public Comment
DATE RECEIVED	7/26/17
SUBMITTED BY VIA	public hearing
DISTRIBUTION TO/DATE	PC 7/26/17
DATE OF HEARING	7/26/17

To Monterey County Planning Commissioners:

I was here for the entire meeting on June 28, to listen to the discussion of a short-term rental ordinance. While there were some intelligent and thoughtful comments, I was disappointed at how little many of you know about this subject, given the amount of time this subject has been before the County, and despite the endless testimony and written documentation you have been given.

You are on the right track with your consensus for a licensing process for owners who live on site and rent out a room (or rooms), but that the process should also be offered for a non-owner-occupied house. You must have asked yourselves why less than 20 people have applied for the use permit that has been available to short-term rentals in the non-coastal zone since 1997. An expensive arduous process is a deterrent to compliance. Surely that is not news.

I appreciate that one or more of you took the time to look at San Francisco's STR ordinance, which only gives permits to permanent residents who occupy their properties for 275 days or more and only allow non-hosted rentals for up to 90 days per year. You may not know that San Francisco has had only 15% compliance with their ordinance. So again, I urge you not to spend time developing something that will not get people on board. It is easy and inexpensive to monitor rentals that sign up for a program. It is difficult and costly to try to regulate rentals when you don't know where they are.

One piece of wisdom that came out of the discussion was to tie the license/permit to a person, as opposed to tying it to the land. A license should automatically end when a property changes owners, and a new owner should get a new license if he wants to short-term rent the property.

I urge you to take a look at the video of the meeting of the Pacific Grove City Council (<http://www.cityofpacificgrove.org/about-city/boards-commissions/city-council/06-28-2017-special-meeting?v=video>), which happened on the same date, June 28, to see a discussion of short term rentals in which the council members were well-versed on the issues, and were thus able to make educated and relevant comments on the subject. The conclusion they came to, after living with an STR ordinance for seven years, is that simpler is better.

Most sincerely,

Greg Linder, Monterey County Resident

July 26, 2017

to the Monterey County Planning Commission

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	Public Comment
DATE RECEIVED	7/26/17
SUBMITTED BY/VIA	Public @ hearing
DISTRIBUTION TO/DATE	Public @ hearing
DATE OF HEARING	7/26/17

Short-Term Vacation Rentals Provide Affordable Coastal Visitor Lodging

On May 7, 2017 the San Jose Mercury News published an article titled "Are beach vacations for middle-class Californians getting impossible to afford?" It references a new survey from the California Coastal Conservancy. The poll found that while 67 percent of California residents with household incomes over \$200,000 a year stay overnight when they visit the coast, only 41 percent of those with household incomes between \$50,000 and \$75,000 do. And just 25 percent of people with incomes under \$25,000 stay overnight. For the article, [click here](#).

short-term vacation rentals are a solution.

Simply allow owners to offer their existing homes to coastal visitors. No development required! The California Coastal Commission charged with implementing the Coastal Act strongly agrees that short-term rentals must be permitted along the coastal zone. See the separate description on this website titled "California Coastal Commission Strongly Supports Short-Term Rentals."

Sincerely,

Jeff Linder

Airbnb Is Crashing the Neighborhood

Short-term rental websites raise risks for home owners, their neighbors, and communities.

DECEMBER 2015 | BY BARBARA NICHOLS

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From: [Linda E. Klamm](#)
To: ["jmjosemendez1@gmail.com"](#); [Mendez, Jose](#); ["ambrizana1@gmail.com"](#); [Padilla, Cosme](#); [Rochester, Don](#); [Getzelman, Paul C.](#); ["mduflock@gmail.com"](#); ["amydroberts@gmail.com"](#); ["Hertl@co.monterey.ca.us"](#); ["kvandevere@gmail.com"](#); [Vandevere, Keith](#); ["mvdiehl@mindspring.com"](#); [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#); [Bauman, Lew x5113](#); [100-District 1 \(831\) 647-7991](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#)
Cc: ["Jan Leasure"](#); [rudyp33@gmail.com](#)
Subject: 1260 Del Monte Blvd., Pacific Grove
Date: Monday, July 17, 2017 1:56:29 PM

To Whom It May Concern:

My husband and I own 1260 Del Monte Blvd. in Pacific Grove. It is my childhood home. My family moved into it in late 1952, when I was almost 6 months old, just as it was finished. The home has never been resold. In 2004, when my father passed away, ownership was transferred to my brother and myself. Subsequently, in 2009 my husband and I bought my brother out of his half of the home.

We refurbished the house, including upgrading appliances and re-roofing the house. We had to take out a mortgage in order to purchase my brother's half of the house and began offering the house as a vacation rental from time to time in 2010. While the home has been rented on occasion, the rental income has never covered the cost of the mortgage. It is our intent to gradually retire to Pacific Grove and use my child hold residence as our primary residence at the appropriate time. The rental income is assisting us in defraying a portion of the cost of the mortgage and retaining ownership of the home I grew up in.

Regards and thank you for your kind attention,

Linda E. Klamm

From: [jeff c.](#)
To: [Beretti, Melanie x5285](#)
Subject: Short Term Rentals
Date: Friday, July 14, 2017 1:09:28 PM

Hello, the problem I see with short term rentals, aka AirBnB, is there no available market for the "granny" unit or single person rental. Instead of dealing with a tenant 24/7 the landlord deals with a person only 2 1/2 days a week and makes at least the same amount of money or more than having a full time renter. The supply aspect is way low the demand is still high, forcing long time residents of the valley to leave. Some of the homeowners have only been able to remain in the valley themselves because of Airbnb, they would have been forced to sell during the last recession. Its a mess!

From: [Ron SHERWIN](#)
To: [Beretti, Melanie x5285](#)
Subject: short term rentals
Date: Thursday, July 13, 2017 9:27:05 AM

Short term rentals ...less than a month... have an increased likelihood of becoming "party houses," and leading to inconveniences and conflicts involving permanent residents, mainly over parking and noise. They also lead to increased enforcement costs, that, probably, exceed the value of the TOT income they produce.

STR's in general drive up housing cost generally insofar as buyers are willing to pay more for properties, knowing they can recover some of the ownership costs by collecting rents.

STR's are a bad idea, especially in residential neighbourhoods. At the very least, they should be highly regulated, and tightly controlled.

Ron Sherwin
25395 Via Cicindela
Carmel, CA 93923

From: [Jeff Hawkins](#)
To: [Beretti, Melanie x5285](#); [Nickerson, Jacquelyn x5240](#)
Cc: [Jeff Hawkins](#)
Subject: Short term rentals
Date: Thursday, July 13, 2017 11:02:28 AM

As a 25 year resident of mid Carmel Valley in unincorporated Monterey County, I strongly endorse the position the Carmel Valley Association has taken on this subject. I've seen first hand the issues short term rentals can create in my neighborhood and action needs to be put in place and enforced.

1. That the county consider Carmel Valley as a special area with an ordinance reflecting its unique character.
2. That permits be required, and that STRS comply with established building, health, and safety codes, and that renters pay the required Transient Occupancy Taxes.
3. That there be a limit on the number and density of STRs permitted in Carmel Valley. This is critical to making this work.
4. That there be an effective system to deal with neighbor complaints about violations of allowed occupancy numbers, noise or parking.
5. That there be enforcement of the ordinance.
6. That there be an effort to reduce adverse impacts on affordable long-term rentals.

Feel free to contact me for further information.

Regards,
Jeff Hawkins
25495 Via Paloma
Carmel, CA 93923
831-622-0424

From: gb136@comcast.net
To: [Beretti, Melanie x5285](#); [Nickerson, Jacquelyn x5240](#)
Subject: Short-term rentals in Monterey County
Date: Thursday, July 13, 2017 12:42:16 PM

Hello Melanie and Jacquelyn,

I'm writing in support of these well-thought out recommendations for the short-term rentals (STRs) ordinance in the unincorporated areas of the county provided by the Carmel Valley Association Land Use Committee:

1. That the county consider Carmel Valley as a special area with an ordinance reflecting its unique character.
2. That permits be required, and that STRS comply with established building, health, and safety codes, and that renters pay the required Transient Occupancy Taxes.
3. That there be a limit on the number and density of STRs permitted in Carmel Valley.
4. That there be an effective system to deal with neighbor complaints about violations of allowed occupancy numbers, noise or parking.
5. That there be enforcement of the ordinance.
6. That there be an effort to reduce adverse impacts on affordable long-term rentals.

Each of these points are important and are meant to work together to create a viable solution for all. I hope you will support them in any way you can.

Thank you for taking the time to read my letter of support of the above recommendation for STRs in Monterey County.

Kind regards,
Gail Bower
gb136@comcast.net

From: sur1954janet@aol.com
To: [Beretti, Melanie x5285](#)
Subject: Project File No. REF130043 & REF100042 Short-Term Rental Ordinance
Date: Wednesday, July 12, 2017 8:16:31 AM
Attachments: [AirbnbIsCrashingtheNeighborhood_RealtorMagazine.pdf](#)

This article appeared December 2015 in "REALTORMag"

And its just not only these websites that claim homeowners should have the right to do whatever they want with their property - its also our Local Realtors, Property Managers and neighboring STR Host.

As I will continue to say, MCVRA and all the STR proponents are ONLY about educating the public to what it is that they want the public to know, its up to us, the neighbors to educate the public about what it is that they don't want the public to know!

Last paragraph reads - The Real Estate Industry needs to take a stand to protect Residential Zoning Laws against STRs.....Awkward for a lot of them to do, when so many of the Realtors are involved in STRing out our Residential Homes too!

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Airbnb Is Crashing the Neighborhood

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DECEMBER 2015 | BY [BARBARA NICHOLS](#)

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From: [Jenny McAdams](#)
To: [Beretti, Melanie x5285](#)
Subject: Re: Short Term Rentals Need to be Resident Owned and Occupied
Date: Wednesday, July 12, 2017 11:56:40 AM
Attachments: [image002.png](#)

My pleasure. If you would like, I would welcome you to read the comments (left by residents) of our petition: <https://www.change.org/p/city-council-and-mayor-of-pacific-grove-pacific-grove-residents-are-demanding-their-neighborhoods-back>

Our Facebook page can be found here: <https://www.facebook.com/PG-Residents-for-Families-and-Neighbors-131567020760907/>

I know you receive a lot of public comments from realtors and STR owners and I appreciate the Commissions understanding that is is difficult for many to leave work, drive to Salinas, and attend a County hearing.

Please let me know if I can be of any assistance.

On Wed, Jul 12, 2017 at 11:46 AM, Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us> wrote:

Thank you, I will include the original letter from Dr. Whitmire in the STR public record as well.

Melanie Beretti

Resource Management Agency

[831-755-5285](tel:831-755-5285)

WE MOVED!!!!

COME VISIT US AT:

1441 SCHILLING PLACE, SOUTH 2ND FLOOR

SALINAS CA 93901

From: Jenny McAdams [mailto:jennysmcadams@gmail.com]
Sent: Wednesday, July 12, 2017 10:39 AM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Re: Short Term Rentals Need to be Resident Owned and Occupied

Hi Melanie,

Please see attached by Amanda Whitmire Ph.D. Page 4 has the references.

On Wed, Jul 12, 2017 at 10:25 AM, Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us> wrote:

Ms. McAdams,

I've received your email and will include it with the STR public record. I would like to know if you would be able to direct me to the citation(s) for the numbers/calculations used in the attachment? Was this excerpted from another source?

Kindly,

Melanie

Melanie Beretti

Resource Management Agency

[831-755-5285](tel:831-755-5285)

WE MOVED!!!!

COME VISIT US AT:

1441 SCHILLING PLACE, SOUTH 2ND FLOOR

SALINAS CA 93901

From: Jenny McAdams [mailto:jennysmcadams@gmail.com]

Sent: Wednesday, July 12, 2017 10:08 AM

To: 100-District 1 (831) 647-7991 <district1@co.monterey.ca.us>; 100-District 2 (831) 755-5022 <district2@co.monterey.ca.us>; 100-District 3 (831) 385-8333 <district3@co.monterey.ca.us>; 100-District 4 (831) 883-7570

<district4@co.monterey.ca.us>; 100-District 5 (831) 647-7755
<district5@co.monterey.ca.us>; jose mendez <jmjosemendez1@gmail.com>; Mendez, Jose <MendezJ@co.monterey.ca.us>; Ana Ambriz <ambrizana1@gmail.com>; Padilla, Cosme <PadillaC1@co.monterey.ca.us>; Rochester, Don <RochesterD@co.monterey.ca.us>; Getzelman, Paul C. <GetzelmanPC@co.monterey.ca.us>; mduflock@gmail.com; amydroberts@gmail.com; Hert, Luther <HertL1@co.monterey.ca.us>; kvandevere@gmail.com; Vandevere, Keith <VandevereK@co.monterey.ca.us>; mvdiehl@mindspring.com; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>; Bauman, Lew x5113 <baumanl@co.monterey.ca.us>
Subject: Short Term Rentals Need to be Resident Owned and Occupied

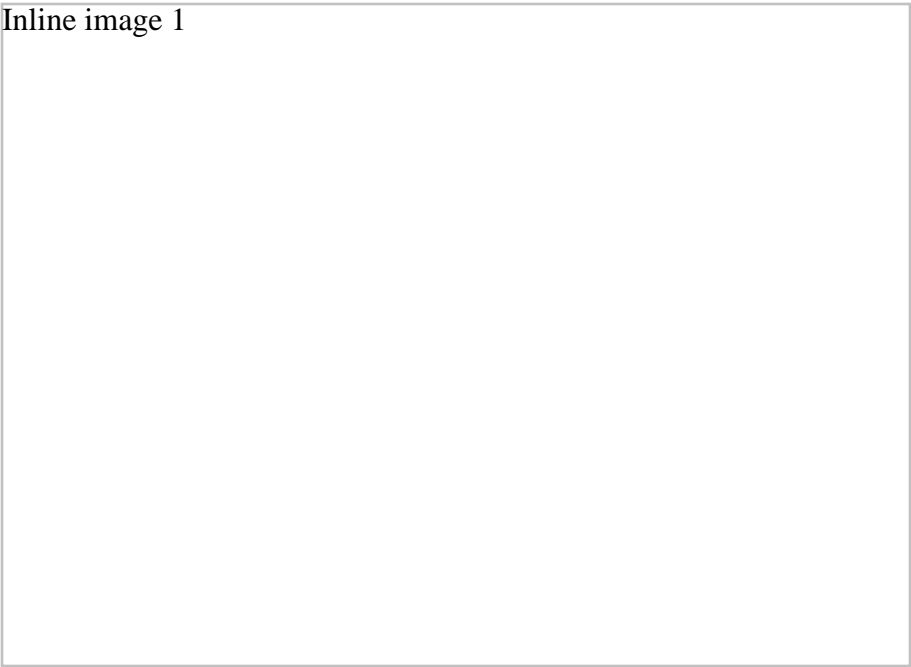
Good Morning,

I am a resident of Pacific Grove. I wanted to reiterate the importance of STRs being resident owned and occupied. In Pacific Grove, 80% of our STRs are owned by absent non-residents. Our homes have become investment properties. Commonly they are swooped up for cash only with a fast 10 day close, which makes it close to impossible for local households and households who want to become a member of our community compete.

As a resident who lives in a community inundated by STRs, I strongly urge you to NOT use the Pacific Grove's inept STR program as any sort of example what so ever. The program is coming apart at the seams and is not environmentally or economically sustainable. I would suggest to look at the San Francisco program or other cities (New Orleans, etc.) that require residency.

Thank you for your time.

Inline image 1



--

Jenny McAdams

[831.521.7167](tel:831.521.7167) cell

--

Jenny McAdams

[831.521.7167](tel:831.521.7167) cell

--

Jenny McAdams

831.521.7167 cell

From: [Jenny McAdams](#)
To: [100-District 1 \(831\) 647-7991](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [jose mendez](#); [Mendez, Jose](#); [Ana Ambriz](#); [Padilla, Cosme](#); [Rochester, Don](#); [Getzelman, Paul C.](#); [mduflock@gmail.com](#); [amydroberts@gmail.com](#); [Hert, Luther](#); [kvandever@gmail.com](#); [Vandever, Keith](#); [mvdiehl@mindspring.com](#); [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#); [Bauman, Lew x5113](#)
Subject: Short Term Rentals Need to be Resident Owned and Occupied
Date: Wednesday, July 12, 2017 10:08:16 AM
Attachments: [image.png](#)
[Pacific Grove STR Numbers.pdf](#)

Good Morning,

I am a resident of Pacific Grove. I wanted to reiterate the importance of STRs being resident owned and occupied. In Pacific Grove, 80% of our STRs are owned by absent non-residents. Our homes have become investment properties. Commonly they are swooped up for cash only with a fast 10 day close, which makes it close to impossible for local households and households who want to become a member of our community compete.

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Thank you for your time.

Inline image 1



--

Jenny McAdams
831.521.7167 cell

From: [Martha V Diehl](#)
To: [Beretti, Melanie x5285](#)
Subject: FW: STR NEWS
Date: Monday, July 10, 2017 10:04:24 AM

Just received this email from a local resident. Please include it in the files for distribution to the Commission?

Tks

mvd

----- Forwarded Message

From: <sur1954janet@aol.com>
Date: Mon, 10 Jul 2017 12:54:42 -0400
To: Martha Diehl <mvdiehl@mindspring.com>
Subject: Fwd: STR NEWS

Monterey County Vacation Rental Alliance

Monterey County Planning Commission Summary - June 28, 2017

On June 28, 2017 the Monterey County Planning Commission held its third hearing on the preliminary draft short-term rental ordinance for the unincorporated areas of Monterey County. The hearing did not include Big Sur, since the County has previously agreed to leave Big Sur out of the discussion until the Big Sur residents can easily attend the meetings. This is probably a good thing, since much of the dissent over STRs comes from Big Sur.

The Commissioners know little about this subject, despite the endless testimony and written documentation we have given them. The hearing lasted from 10:00 a.m. to 3:00 p.m., and was quite distressing.

County staff began the hearing by carving up the discussion into specific parts of the ordinance to be discussed. This was a good thing, because when given the entire ordinance is open for discussion, the Commissioners are all over the board with their ideas and misconceptions.

The first area discussed had to do with licensing/permitting STRs. The consensus of the Commission seems to be that they would create a simple business licensing process for owners who want to rent out their personal residence at times or live on site during a rental, but that the process for a non-owner-occupied house would require a discretionary land use permit. Currently, discretionary non-coastal STR land use permits cost \$6,000. Unless this cost is reduced and the discretionary granting process is eliminated, MCVRA will continue to argue for a simple, inexpensive licensing approach, for both owner-present and owner-not-present short-term rentals.

The Planning Commissioners seemed fixated on San Francisco's STR ordinance, which only gives permits to permanent residents who occupy their properties for 275 days or more and only allow non-hosted rentals for up to 90 days per year. San Francisco will not grant a permit to a property that is not the permanent residence of the applicant. This is totally unacceptable in Monterey County where 60% of all STRs are second homes. We made the point that San Francisco estimates they only have 15% compliance with their ordinance. We also pointed out that a limit of 90 rental days per year is unreasonable. With no special permit whatsoever, an owner can already rent his home once, and only once, per month. This is considered long term. If an owner rented one week per month, then his home is rented 84 nights per year with no permit.

The Commissioners still have the mistaken idea that investors are going to snap up houses for vacation rental since it is so "financially lucrative" and that STRs impact employee housing. They do not accept the poll we took of our owners showing only 5.9% would offer their home as a long term rental if they were banned from short-term bookings. Furthermore, the Commission still has the idea that STRs impact affordable housing. They do not understand that Monterey County property values take our homes out of the "affordable" category.

There are proposals to test water quality and septic systems which we find overbearing. There are no such requirements for testing long term rentals where occupants live 365 days per year. Why is this testing so important for homes that serve guests for just a few days?

The most frustrating aspect of this meeting was at the end when County staff advised the Commissioners that they needed another three to four months to add enforcement to the ordinance. That is ridiculous but we will just have to live with it.

For coverage by the Monterey Herald, click here

<http://www.montereyherald.com/government-and-politics/20170628/county-short-term-vacation-rental-rules-could-follow-sf-model> .

I have to agree with MCVRA's statement....The Commissioners "Know very little about this subject." Nor do most of the public because of all the bad information put out by all the STR proponents.

Not BUYING up our Residential Homes - Ha!! Check out the Zillow ads below...

-
- 137 16th St, Pacific Grove, CA 93950 | MLS #81649770 | Zillow
<https://www.zillow.com/homedetails/137-16th-St-Pacific-Grove-CA-93950/19323699_zpid/>
-
-
- <https://www.zillow.com/homedetails/137-16th-St-Pacific-Grove-CA...>
-
- 137 16th St, Pacific Grove, CA 93950 ... 145 16th St, Pacific Grove, CA 93950; 136 16th St APT B, ... Zillow's Zestimate® for 137 16th St is \$911,371 and the Rent ...
-
-
- **The Residential Home above just CLOSED this past month....and to think the Realtors and owner Marketed it as a STR/Mini Hotel when PG states in their ordinance that the License will not travel with the SALE of a property....Plus this one had NO License anyway and couldn't get one because there is a LEGAL STR right across the street @ I believe 138 - 16th St.**
-
- Vacation Rental - Santa Cruz Real Estate - Zillow
<https://www.zillow.com/santa-cruz-ca/vacation-rental-_att/>
-
- https://www.zillow.com/santa-cruz-ca/vacation-rental-_att
-
- Zillow has 2 homes for sale in Santa Cruz CA matching Vacation Rental. ...
Vacation Rental - Santa Cruz CA ... of single family homes for sale in Santa Cruz, ...
-
-
- Best,

janet

----- End of Forwarded Message

From: sur1954janet@aol.com
To: [Beretti, Melanie x5285](#)
Subject: STR NEWS
Date: Monday, July 10, 2017 9:53:37 AM

Monterey County Vacation Rental Alliance

Monterey County Planning Commission Summary - June 28, 2017

On June 28, 2017 the Monterey County Planning Commission held its third hearing on the preliminary draft short-term rental ordinance for the unincorporated areas of Monterey County. The hearing did not include Big Sur, since the County has previously agreed to leave Big Sur out of the discussion until the Big Sur residents can easily attend the meetings. This is probably a good thing, since much of the dissent over STRs comes from Big Sur.

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137 16th St, Pacific Grove, CA 93950 | MLS #81649770 | Zillow

<https://www.zillow.com/homedetails/137-16th-St-Pacific-Grove-CA...>

137 16th St, Pacific Grove, CA 93950 ... 145 16th St, Pacific Grove, CA 93950; 136 16th St APT B, ...

Zillow's Zestimate® for 137 16th St is \$911,371 and the Rent ...

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[Vacation Rental - Santa Cruz Real Estate - Zillow](#)

https://www.zillow.com/santa-cruz-ca/vacation-rental_att

Zillow has 2 homes for sale in Santa Cruz CA matching Vacation Rental. ... Vacation Rental - Santa Cruz CA ... of single family homes for sale in Santa Cruz, ...

Best,

janet

From: [Jan Vola](#)
To: [amycrowe11@gmail.com](#); [Eadlin_Coome](#); [Bobbeister_Don](#); [Goldsteinman_Paul_C_](#); [mdufflock@gmail.com](#); [amyroberts@gmail.com](#); [Hart_Luther](#); [kwardoverell@gmail.com](#); [Vandevoers_Kelly](#); [mudchill@montgomery.com](#); [Beretti_Melanie_x5285](#); [Helm_Carl_P_x5100](#); [Bauman_Lew_x5113](#)
Date: Friday, July 07, 2017 4:16:41 PM

I have an apartment on Oceanview Blvd. which I use about five weeks per year. My husband and I visit our son who lives in Monterey. We need the rental income to defray the taxes and HOA fees of our apartment. Presently we almost break even with our rental income versus our expenses. We paid cash for our unit so this does not include any cost of capital. If permitting or rental taxes go up I do not know if we will be able to maintain our apartment. If we are not permitted to rent it I know we will not be able to keep it.

Another thing you may want to consider is that if we could maintain it and it sits empty for most of the year, the county will lose revenues that are brought in from our guests in terms of business that tourists generate.

I hope that you will allow Short term rentals to continue.
Jan Vola
585 Oceanview Blvd.
Pacific Grove, CA, 93950

From: [Martha V Diehl](#)
To: [Beretti, Melanie x5285](#)
Subject: FW: Short Term Rentals
Date: Friday, July 07, 2017 3:09:59 PM

Hi Melanie,

I am forwarding this your way for the files. It doesn't appear that Mr Hennessey sent it to anyone else but me.

BRgds,
Martha

----- Forwarded Message

From: Frank Hennessey <frankjhennessey@gmail.com>
Date: Fri, 7 Jul 2017 13:45:56 -0700
To: Martha Diehl <mvdiehl@mindspring.com>
Subject: Short Term Rentals

Dear Ms. Diehl,

I don't own a short term rental, but have used them for years around the world and have followed and participated in the local debate for years.

I watched the last planning commission work session on STRs and was particularly impressed by your logic, not only at this meeting but at the preceding ones. I think your concern about reasonable expectations within a residential zone was thoughtful and correct. I also agree with your comment that caps would reward those already in the business and managing multiple properties, and leave out those who were waiting to see it legalized.

I think your distinction between home sharing and commercial STR managing as a business showed how much thinking and research you have been doing on the subject. Your conclusion had not occurred to me, but it sounds like a reasonable balance.

Owner-occupied properties continue to function in the expected residential manner, with the owner invested in the community and the property occupied in a manner consistent with its approvals. Make that easy and affordable. With absentee rentals, especially those operated by full-time businesses, it does seem like more of a commercial venture, departing too far from what neighbors expect in a residential zone. I am not against these, as most are second homes owned by people tied to the community, but I agree they may require permitting reflecting a modification of use.

Thank you for being one of the deep thinkers in the group. I appreciate your creativity and hard work over the years.

Sincerely,

Frank Hennessey

Frank Hennessy Architect

100 Arboleda Lane

Carmel Valley CA 93924

831 659 1925

831 917 6336 (cell)

frankjhennessy@gmail.com

----- End of Forwarded Message

From: [Ratto, Paul](#)
To: [100-District 1 \(831\) 647-7991](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [jmjosemendez1@gmail.com](#); [Mendez, Jose](#); [ambrizana1@gmail.com](#); [Padilla, Cosme](#); [Rochester, Don](#); [Getzelman, Paul C.](#); [mduflock@gmail.com](#); [amydroberts@gmail.com](#); [Hert, Luther](#); [kvandevere@gmail.com](#); [Vandevere, Keith](#); [mydiehl@mindspring.com](#); [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#); [Bauman, Lew x5113](#)
Subject: Short Term Rentals - Pacific Grove
Date: Wednesday, July 05, 2017 2:54:04 PM

To Whom It May Concern:

We purchased a small 2 Bedroom 1 Bath, approximately 1,100 square foot home in Pacific Grove in October 2014. It was purchased as a second home, and not as a source of income. We leased it out for two years, at the rate of \$2,400/month to a U.S. Army officer who attended the Defense Language Institute in Monterey. In December 2016 we turned it into a vacation rental so we could have the benefit of using it ourselves.

The income has never met the costs associated with the ownership of the house. We bought the home to eventually retire into, within the next few years, and that is why we are willing to keep it, even though there is a negative cash flow and we show a loss on it each year.

Our house could hardly be considered as affordable housing. Given the fact that the City receives TOT and a sizable permit fee, and the County is receiving property taxes, It seems you would be grateful to receive the extra income.

Paul & Virginia

Paul E. Ratto

Senior Sales Associate

Pacific Union and Christie's International Real Estate

51 Moraga Way, Suite 1, Orinda, CA 94563

C 925.899.9536 | C 925.998.9501 | www.rattoandratto.com | License #01361537

From: [Samrick, Arlene x5221](#)
To: [Beretti, Melanie x5285](#)
Cc: [Harris, Lisa x4879](#)
Subject: STR inquiry
Date: Wednesday, July 05, 2017 9:19:15 AM

Melanie,

Elaine Matthews called this morning to ask about the Short Term Rental ordinance thinking it was going to be heard by the Zoning Administrator. Instead I found it for her under the last PC meeting, and I know she would appreciate knowing when it will be coming up again.

Could you please make sure she is added as a contact? Here is her info that I have, Lisa can tell you if the mailing address is different.

Elaine Matthews - ph 831-226-4011 and lives at 578 Viejo Rd, Carmel CA 93923

Thank you.

Arlene Samrick, Principal Office Assistant
Monterey County Resource Management Agency

LAND USE DIVISION

*** Counter Open 8:00am - 4:00pm Weekdays ***

Dept Ph 831-755-5027 * Admin Fx 831-757-9516

Our office will be closed to observe Independence Day on Tuesday July 4th, 2017

We have moved & our new offices are at:

1441 SCHILLING PLACE

South Wing – 2nd Floor

SALINAS CA 93901

Lookup applications or permits online with Accela Citizen Access

<https://aca.accela.com/monterey/>

From: [Gary Patton](#)
To: jmjozemendez1@gmail.com; [Mendez, Jose](#); ambrizana1@gmail.com; [Padilla, Cosme](#); [Rochester, Don](#); [Getzelman, Paul C.](#); mduflock@gmail.com; amydroberts@gmail.com; [Hert, Luther](#); [Keith Vandevere Esq.](#); [Vandevere, Keith](#); [Martha Diehl](#)
Cc: [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [100-District 1 \(831\) 647-7991](#); [Beretti, Melanie x5285](#); [Holm, Carl P. x5103](#); [Bauman, Lew x5113](#); [Craig, Susan@Coastal](mailto:Craig_Susan@Coastal); [McKee, Charles J](#)
Subject: Letter For Planning Commission Consideration Re Short-Term Vacation Rentals
Date: Tuesday, June 20, 2017 10:00:30 PM
Attachments: [Letter to Planning Commission Re POA Issues In Proposed Ordinance.pdf](#)
[Coastal Commission Rejection of Proof of Access.pdf](#)

Dear Planning Commissioners, County Staff, Board Members, and Other Interested Persons,

Here is a letter for consideration by the Planning Commission at its next hearing on short-term rentals. I am sending, with my own letter, a letter from a member of the Coastal Commission staff. Thanks to all for taking seriously the points made in my letter.

Very truly yours,

Gary A. Patton, Attorney at Law

P.O. Box 1038

Santa Cruz, CA 95061

Telephone: 831-332-8546

Email: gapatton@mac.com

Website: www.gapatton.net

Facebook: <https://www.facebook.com/gapatton>

ORDINANCE NO. 3564 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**ADDING MONTEREY CITY CODE CHAPTER 22, SECTION 19.5 TO PROHIBIT
ADVERTISING OF SHORT-TERM RESIDENTIAL RENTALS IN THE CITY'S RESIDENTIAL
ZONING DISTRICTS.**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, since 1991 the City of Monterey has prohibited short-term residential rentals, which the Zoning Code defines as the "rental of any residential building, portion of such building, or group of such buildings in which there are guest rooms or suites, including housekeeping units, for transient guests, where lodging with or without meals is provided for a period of less than a calendar month or less than 30 consecutive days," in all residential districts in the City;

WHEREAS, City staff have received multiple complaints about short-term rentals in the City, including noisy parties disturbing the peace of residential neighborhoods, and increased vehicular traffic, parking shortages, and trash in those neighborhoods;

WHEREAS, short-term rentals deplete the already limited housing stock in the City;

WHEREAS, the advent of Internet-based platforms has resulted in a proliferation of residential properties being offered to transient lodgers in violation of existing law. An estimated 200 properties are advertised for short term rentals within the City. This proliferation requires an expansion of enforcement mechanisms to deter violations of this law;

WHEREAS, current code enforcement activities related to the regulation of short-term rentals can be very time and resource intensive because it can be very difficult to verify the violation. Unlike most other code enforcement cases, these violations are frequently not in plain view. This amendment is intended to enhance the City's ability to enforce the City's prohibition, and there is no right to advertise illegal activity (See *Pittsburg Press Co. v. Pittsburgh Commission on Human Relations* (1973) 413 U.S. 376, 388). This amendment is not intended to be enforced against online hosting platforms such as Airbnb, HomeAway, FlipKey, and/or VRBO, rather is it to be enforced against the Responsible Party, as defined below;

WHEREAS, the amendment prohibiting the advertisement of short-term residential rentals is necessary to allow for more effective enforcement of the City's current prohibition of short-term residential rentals and thereby to preserve the public health, safety, and general welfare in the City's residential zoning districts; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

SECTION 3: Monterey City Code, Chapter 22, Section 19.5 is hereby added to read as follows:

"Advertisement of Short-term Rentals.

- (a) No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Residential Rental prohibited by the Monterey City Code.
- (b) For purposes of this section the following words and phrases shall have the meaning respectively ascribed to them by this section.
 - 1. "Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication whose primary purpose is to propose a commercial transaction.
 - 2. "Responsible Party" means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation. A Responsible Party does not include online hosting platforms/companies.
 - 3. "Short-Term Residential Rental" shall have the meaning set forth in Chapter 38 of the Monterey City Code.
- (c) Each day that an Advertisement is posted, published, circulated, broadcast or maintained by a Responsible Party in violation of this Section is a separate offense."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 7th day of March, 2017, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Barrett, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



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Monterey to enforce daily fines on short-term rental operators

By [Carly Mayberry](#), Monterey Herald

Posted: 09/13/17, 5:44 PM PDT | Updated: 15 hrs ago

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Short-term rentals are considered those that are rented out for less than 30 consecutive days. They have been illegal in the city's residential district since the early 1990s. McCarthy said the strict stance on violations comes after hearing more and more from citizens who don't want the presence of short-term rentals in their neighborhoods.

"Every city has its own unique needs – we've been talking about this for a number of years," said McCarthy. "When we really started bringing questions to the council and the community, it became very clear they didn't want it legal and they wanted it enforced. So we intend to do that."

The harsher enforcement also comes as [both neighboring Peninsula cities Carmel and Pacific Grove have addressed the topic](#) in recent weeks.

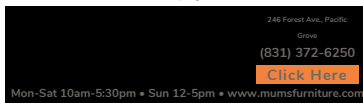
City officials in Carmel reached a settlement in August with a Pleasanton couple who had been violating the city's short-term rental ordinance for years. After negotiating directly with newly hired City Attorney Glen Mozingo, Jozef and Anna Wagelaar will likely pay approximately \$25,000 in fines to the city. The ordinance prohibiting short-term rentals there was established in 1989.

In Pacific Grove, while the debate as to whether to continue its short-term rental program has been ongoing, it has heated up in the last few months.

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While the city council voted 5-2 to keep the program [during a June council meeting](#) despite a petition that such rentals only be allowed in owner-occupied properties, just last week [residents and short-term rental owners addressed council members for nearly three hours](#) regarding the city's STR ordinance.

For now, P.G. council members have directed city staff to prepare a final STR ordinance to be brought back for a first reading in early October. The revised directive will specifically address density issues and how to simplify the program.

In the case of Monterey, McCarthy said the city will follow Carmel's lead by using Host Compliance, a company that monitors short-term rental compliance and enforcement.

"We've already retained them and what they provide is a pretty amazing service that cross checks 21 websites three times daily for any violations," said McCarthy. The service, which is also used by the cities of Oakland, Pasadena and Pismo Beach among 36 others, also sends out letters to those in violation.

"Where it's difficult for us to find the address, they have the ability to do that so we'll know who is violating," said McCarthy.

While Carmel pays just under \$11,000 per year to use the service, McCarthy said Monterey's contract with them is currently for one year and not to exceed \$15,243.

He also said he sees the city's combined methods toward regulating short-term rentals as effective.

"We've had lawsuits in the past too," said McCarthy, referring to the recent one in Carmel. "We're very confident in this approach."

The city's ordinance regarding short-term rentals is available at the Monterey Public Library or online at www.codepublishing.com/CA/Monterey/.

Carly Mayberry can be reached at 831-726-4363.

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Seasoned journalist Carly Mayberry has covered Hollywood to the Oregon coast and now covers Monterey and Pacific Grove. Reach the author at cmayberry@montereyherald.com or follow Carly on Twitter: [@CarlyMayberry](https://twitter.com/CarlyMayberry).

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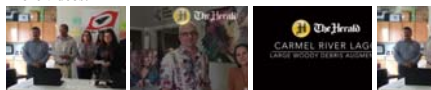
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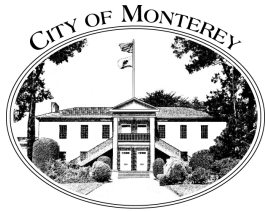
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Pacific Grove STR Numbers

	Estimated # of STRs	Percent of all housing	Percent of occupied housing	Percent of rental housing
Ojai, all illegal	315	9.9	10.8	23.2
<u>Pacific Grove, legal only</u>	262	5.4	6.6	12.8
<u>Pacific Grove, realistic minimum</u>	300	6.2	7.6	14.6
<u>Pacific Grove, realistic high</u>	400	8.2	10.1	19.5
Santa Cruz, units paying TOT	306	1.3	1.4	2.5
Santa Cruz, AirBnB only	372	1.6	1.7	3.1
Anaheim, legal only	356	0.3	0.4	0.7
San Francisco, AirBnB only	8,320	2.2	2.4	3.7
Los Angeles, AirBnB only	29,956	2.1	2.2	3.5

Pacific Grove Housing Numbers

	Total housing units	Occupied housing units [N]	Occupied housing units [%]	Owner- occupied [N]	Owner- occupied [%]	Renter- occupied [N]	Renter- occupied [%]
Ojai	3,179	2,926	92.0	1,569	53.6	1,357	46.4
<u>Pacific Grove</u>	4,867	3,953	81.2	1,901	48.1	2,052	51.9
Santa Cruz	23,499	21,526	91.6	9,459	43.9	12,057	56.0
Anaheim	104,812	99,670	95.1	46,534	46.7	53,136	53.3
San Francisco	383,676	353,287	92.1	128,698	36.4	224,589	63.6
Los Angeles	1,436,543	1,342,761	93.5	494,682	36.8	848,079	63.2



Council Agenda Report

Date: <MEETING_DATE>

Item No: <#>

FROM: Dino Pick, Deputy City Manager Plans and Public Works
Prepared By: Elizabeth Caraker, AICP, Principal Planner

SUBJECT: 1st Reading - Add Monterey City Code Chapter 22, Section 19.5 to Prohibit Advertising of Short-Term Residential Rentals in the City's Residential Zoning Districts (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

RECOMMENDATION:

That the City Council adopt ordinance adding Monterey City Code Chapter 22, Section 19.5 to Prohibit Advertising of Short-Term Residential Rentals in the City's Residential Zoning Districts

POLICY IMPLICATIONS:

The ordinance amendment is consistent with existing City Code that bans short-term rentals in residential zoning districts. This ban was recently discussed and reconfirmed by the City Council in September 2016.

FISCAL IMPLICATIONS:

Adoption of the ordinance will reduce the City's costs for enforcement of the existing short-term rental prohibition. Upon adoption of the ordinance, staff will return to Council with an amendment to the City's Administrative Citation Fine Schedule to establish the fine for violations. The default fine amount is \$100.00. Citations for violating the existing short-term rental prohibition are \$1,000 per day.

ENVIRONMENTAL DETERMINATION:

The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES CONSIDERED:

The City Council could decide not to prohibit advertising of short-term rentals. This would continue the existing practice of code enforcement, which is more consuming of staff resources.

DISCUSSION:

Since 1991 the City of Monterey has prohibited short-term residential rentals, which the Zoning Code defines as the “rental of any residential building, portion of such building, or group of such buildings in which there are guest rooms or suites, including housekeeping units, for transient guests, where lodging with or without meals is provided for a period of less than a calendar month or less than 30 consecutive days,” in all residential districts in the City. Concerns regarding short-term rentals include depletion of the already limited housing stock in the City.

City staff has received multiple complaints about short-term rentals in the City, including noisy parties disturbing the peace of residential neighborhoods, and increased vehicular traffic, parking shortages, and trash in those neighborhoods. The advent of Internet-based platforms has resulted in a proliferation of residential properties being offered to transient lodgers in violation of existing law. An estimated 200 properties are advertised for short term rentals within the City. This proliferation requires an expansion of enforcement mechanisms to deter violations of this law.

Current code enforcement activities related to the regulation of short-term rentals can be very time and resource intensive because it can be very difficult to verify the violation. Unlike most other code enforcement cases, these violations are frequently not in plain view. This amendment is intended to enhance the City’s ability to enforce the City’s prohibition, and there is no right to advertise illegal activity (See *Pittsburg Press Co. v. Pittsburgh Commission on Human Relations* (1973) 413 U.S. 376, 388). This amendment is not intended to be enforced against online hosting platforms such as Airbnb, HomeAway, FlipKey, and/or VRBO, rather is it to be enforced against the Responsible Party.

The amendment prohibiting the advertisement of short-term residential rentals is necessary to allow for more effective enforcement of the City’s current prohibition of short-term residential rentals and thereby to preserve the public health, safety, and general welfare in the City’s residential zoning districts. The amendment will prohibit posting, publishing, circulating, broadcasting or maintaining any advertisement of a short-term residential rental prohibited by the Monterey City Code. Each day that an advertisement is posted, published, circulated, broadcast or maintained will qualify as a separate offense and will be subject to a citation.

Attachments: 1. Ordinance.

e: Housing List
Business and Neighborhood Associations

MONTEREY COUNTY HOSPITALITY ASSOCIATION (MCHA)

SHORT TERM RENTAL POLICY

The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following:

- Protection of community character, particularly single family residential neighborhoods
- Impacts on the limited housing stock, especially for medium to low income and workforce housing
- Areas of limited resources and constrained infrastructure
- Other visitor serving accommodations and commercial STRs rentals

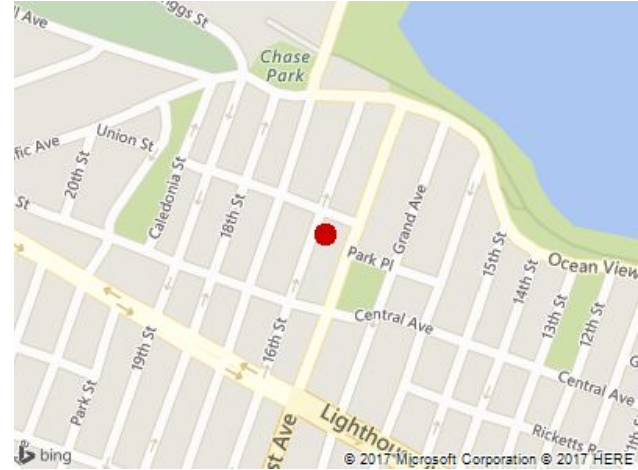
MCHA believes:

1. There should be accommodation for limited use in unincorporated areas of Monterey County where the owner manages the STR unit(s). We recommend that these STRs can be rented for up to 4 weeks per year. Regulations for such use should address neighborhood compatibility and impacts, security, minimum length of stay, number of occupants and other lodging regulations.
2. Recognize that residences, which are used as STRs for more than 4 weeks per year or are professionally marketed and managed as STRs, need to be regulated as a commercial use. As such, these units should be subject to the same governmental regulations regarding physical improvement (ADA access, fire safety, parking, commercial food preparation/service, waste management, etc.) which is required for lodging, event venues, restaurants and other like visitor servicing businesses.
3. That some areas of Monterey County and Cities have significant resource constraints, particularly water, parking and traffic/circulation, and the impact the conversion of residences to STRs will have on those resources needs to be recognized and addressed.
4. That some areas of the County are remote, have very limited access, are constrained by water supply and road limitations, have minimal public services, emergency services and safety issues, particularly fire hazards. Those areas are not suitable for commercial STRs.
5. Enforcement of all state and local regulations, including collection of Transient Occupancy Taxes and similar fees (business licenses, operating permits, etc.) has to be an integral part of the program. Designated staffing and long-term funding are expected to be allocated for STR enforcement.

The shortage of affordable housing throughout Monterey County is a well-known fact. A significant number of the County's and City's residents work multiple jobs and travel great distances from their homes to their workplaces. The loss of housing to STRs presents a further threat to the County's workforce, the hospitality industry and the County's economy as a whole.

Approved by MCHA BOD on October 10, 2017

137 16th St, Pacific Grove, CA 93950



137 16th St, Pacific Grove, CA 93950

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Facts and Features

**Type**

Single Family

**Year Built**

1883

**Heating**

Wall

**Cooling**

No Data

**Parking**

No Data

**Lot**

2,090 sqft

INTERIOR FEATURES**Bedrooms**

Beds: 2

Bathrooms

Bathroom: Shower and Tub, Tub

Kitchen

Kitchen: Refrigerator (s), Garbage Disposal, Microwave, Dishwasher, Oven Range - Gas, Hood Over Range

Other Rooms**Heating and Cooling**

Heating: Wall

Heating: Wall Furnace, Electric, Fireplace

Flooring

Floor size: 950 sqft

Flooring: Vinyl/Linoleum, Carpet

Other Interior Features

Fireplace

Room count: 7

Home Value

Rental Zestimate**\$2,600/mo****RENT ZESTIMATE RANGE**

\$1,800 - \$3,300/mo

LAST 30 DAY CHANGE-\$276/mo **(-9.6%)****ZESTIMATE**

\$911,734

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	\$22,436	+\$20,378
	\$12,935	+\$16,542
	\$15,627	+\$14,377
	\$16,011	+\$13,740
	\$3,226	+\$3,607
	\$1,320	+\$1,882

Price / Tax History

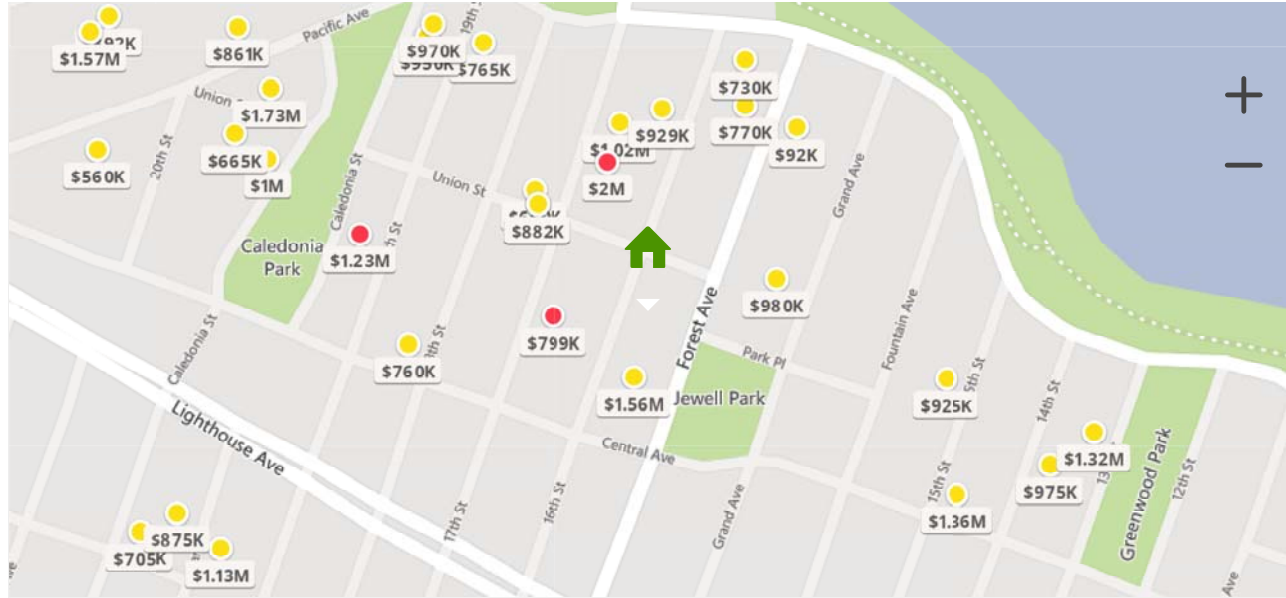
DATE	EVENT	PRICE	\$/SQFT	SOURCE
07/07/17	Listing removed	\$875,000	\$921	Sotheby's Inte...
05/04/17	Pending sale	\$875,000	\$921	Sotheby's Inte...
05/03/17	Back on market	\$875,000	\$921	Sotheby's Int'...
05/03/17	Pending sale	\$875,000	\$921	Sotheby's Int'...
04/01/17	Listing removed	\$875,000	\$921	Sotheby's Int'...
01/17/17	Price change	\$875,000 -5.4%	\$921	Sotheby's Inte...
11/30/16	Price change	\$925,000 -2.4%	\$973	Sotheby's Inte...
10/21/16	Price change	\$948,000 -2.8%	\$997	Sotheby's Inte...
09/12/16	Listed for sale	\$975,000 +248%	\$1,026	Sotheby's Int'...
11/26/97	Sold	\$280,000 +20.2%	\$294	
03/07/97	Sold	\$233,000	\$245	

Neighborhood: Pacific Grove Retreat

Zillow predicts will rise 6.3% next year, compared to a 6.3% rise for Pacific Grove as a whole. Among 93950 homes, this home is valued 9.7% more than the midpoint (median) home, and is valued 49.4% more per square foot.

 **Walk Score** * **89** (Very Walkable)

NEIGHBORHOOD MAP



NEARBY HOMES



OFF MARKET
\$953,272 3 bds • 2 ba • 1,347 sqft
 135 16th St # 1/2, Pacific Grove, CA

OFF MARKET
\$1,010,003 3 bds • 2 ba • 1,384 sqft
 139 16th St, Pacific Grove, CA

Nearby Schools in Pacific Grove

SCHOOL RATING

GRADES DISTANCE

9 out of 10	Robert Down Elementary	K-5	0.3 mi
9 out of 10	Pacific Grove Middle	6-8	0.6 mi
10 out of 10	Pacific Grove High	9-12	0.9 mi

Data by [GreatSchools.org](#) ?

Disclaimer: School attendance zone boundaries are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

About the ratings: GreatSchools ratings are based on a comparison of test results for all schools in the state. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

Similar Homes for Sale

[213 Grand Ave, Pacific Grove, CA 93950](#)

FOR SALE
\$819,000
 2 beds, 1.5 baths, 954 sqft
[213 Grand Ave, Pacific Grove, CA 93950](#)

[136 19th St, Pacific Grove, CA 93950](#)

FOR SALE
\$1,229,000
 2 beds, 2.0 baths, 1241 sqft
[136 19th St, Pacific Grove, CA 93950](#)

[450 Pine Ave, Pacific Grove, CA 93950](#)

FOR SALE
\$1,029,000
 3 beds, 2.0 baths, 1727 sqft
[450 Pine Ave, Pacific Grove, CA 93950](#)

[Address Not Disclosed, Pacific Grove, CA 93950](#)

FOR SALE
\$1,100,000
 3 beds, 2.0 baths, 1270 sqft
[Address Not Disclosed, Pacific Grove, CA 93950](#)

[416 Cedar St, Pacific Grove, CA 93950](#)

FOR SALE
\$898,000
 3 beds, 2.0 baths, 1582 sqft
[416 Cedar St, Pacific Grove, CA 93950](#)

Nearby Similar Sales

SOLD: \$765,000
 Sold on 12/29/2016
 2 beds, 2.0 baths, 1221 sqft
[139 Monterey Ave, Pacific Grove, CA 93950](#)

SOLD: \$790,000
 Sold on 5/2/2017
 2 beds, 2.0 baths, 1190 sqft
[311 Congress Ave, Pacific Grove, CA 93950](#)

SOLD: \$825,000
 Sold on 12/5/2016
 2 beds, 2.0 baths, 1433 sqft
[211 Locust St, Pacific Grove, CA 93950](#)

SOLD: \$849,000
 Sold on 6/5/2017
 2 beds, 2.0 baths, 1200 sqft
[218 Alder St, Pacific Grove, CA 93950](#)

SOLD: \$850,000
 Sold on 3/19/2017
 2 beds, 1.5 baths, 1104 sqft
[770 Pine Ave, Pacific Grove, CA 93950](#)