COASTAL CONSERVANCY

Staff Recommendation
May 26, 2016

PISMO RANCH PRESERVE PUBLIC ACCESS IMPROVEMENTS

Project No. 14-015-02
Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse up to $200,000 to the Land Conservancy of San Luis Obispo County for the construction of public access improvements at the Pismo Ranch Preserve located adjacent to the City of Pismo Beach in San Luis Obispo County.

LOCATION: Adjacent to the City of Pismo Beach, San Luis Obispo County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Photos and Site Plans

Exhibit 3: Mitigated Negative Declaration

Exhibit 4: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31400 *et seq.*of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred thousand dollars ($200,000) to the Land Conservancy of San Luis Obispo County (LCSLO) for the purpose of constructing public access improvements at the Pismo Ranch Preserve subject to the following conditions:

1. Prior to the disbursement of funds LCSLO shall submit for the review and approval of the Executive Officer of the Conservancy:
   a. A work program, budget, schedule, and names and qualifications of any contractors to be employed for these tasks.
   b. Evidence that LCSLO has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
   c. A signing plan for the project acknowledging Conservancy participation in the project.

2. LCSLO shall ensure that all project improvements are consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities.
3. LCSLO shall enter into and record an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest.

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
2. The LCSLO is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration approved by the County of San Luis Obispo on November 18, 2015 under the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 3, and finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment."

PROJECT SUMMARY:

Conservancy staff recommends that the Conservancy provide up to $200,000 to the Land Conservancy of San Luis Obispo County (LCSLO) for the construction of public access improvements at their Pismo Ranch Preserve property located adjacent to the City of Pismo Beach in San Luis Obispo County (Exhibit 1). As called for in the Conservancy's strategic plan, the project will serve to open a coastal area that is currently closed to the public.

The Conservancy awarded the LCSLO $4 million in 2014 towards the $11.5 million acquisition of the 880-acre property with the understanding that the public would eventually be able to access and enjoy the site's magnificent open space and scenic resources. Demand to use the preserve is high as evidenced by the fact that community members have already contributed over five thousand hours of volunteer labor to help build trails on the property.

The proposed project entails construction of parking, restrooms, 11 miles of trails, and trail amenities. The project will improve the existing staging area off of Highway One/101. One parking area will serve passenger cars, buses and emergency vehicles, and a second parking lot will be for horse trailers and overflow parking (Exhibit 2). Each parking area will have restrooms which will be connected to City of Pismo Beach water and sewer services. A network of 11 miles of new trails will radiate out from the two parking areas, and a paved accessible trail will be constructed along the southern boundary of the property. Informational kiosks, picnic areas, safety lighting, wayfinding features, roadway improvements, and drought-tolerant landscaping will also be installed.

LCSLO has had an outstanding record working with the Conservancy over the past three decades on both acquisition and restoration projects. The LCSLO has extensive experience owning and managing conservation preserves and its professional staff is well prepared to take on the proposed project and the day-to-day responsibilities that come with owning and operating a preserve that allows for public access and recreation. The LCSLO will dedicate a staff person responsible for maintenance and enforcement on the preserve. The LCSLO has already received support from a variety of organized user groups with help constructing some of the trails.

Site Description: The Property is located above the northern fringe of the City of Pismo Beach along the Santa Lucia Mountain Range, overlooking the communities of Pismo Beach and Shell Beach and within a region designated as the Irish Hills Conservation Area. With a peak elevation of 980 feet, the property offers vast coastal views of the entire San Luis Bay from Point San Luis to Point Sal, including panoramic views of the Guadalupe-Nipomo Dunes. To the west and southwest are the densely developed residential and commercial areas of the City of Pismo Beach and Shell Beach, including the popular Pismo Pier. (See Exhibit 1)

The south and west facing hillsides of the property that will be developed for public access consist of rolling annual grasslands that give way to maritime chaparral and steep brushy hillsides comprising 275 acres of coastal sage scrub. A public road adjacent to Highway One/101 will be used as the staging area for access to the property. (See Exhibit 2)

Project History: In May 2014 the Conservancy awarded the LCSLO $4 million towards the acquisition, and in September of 2014 LCSLO acquired the site. Between late 2014 and the fall of 2015 the LCSLO worked with a local landscape design firm that provided pro bono services to complete the necessary public access site plans and hired other consultants to prepare all of the required studies for their permit application and environment review. The County of San Luis Obispo issued a permit and approved the CEQA document for the project in November of 2015. LCSLO contacted Conservancy staff with a request to provide match funding and in early 2016 Conservancy staff agreed to request board approval for the grant award at its May 2016 meeting.

PROJECT FINANCING

Coastal Conservancy	$200,000
San Luis Obispo Council of Governments	$175,000
Land Conservancy of San Luis Obispo	$500,000
Project Total	**$875,000**

Conservancy funds for this project are expected to derive from an appropriation to the Conservancy from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12, Public Resources Code Section 5096.300 et seq.). Proposition 12 funds may be used for projects that are consistent with Division 21 of the Public Resources Code and involve the acquisition from a willing seller, preservation, restoration, or enhancement of real property in coastal areas and watersheds or the development of public use facilities. Public Resources Code Section 5096.352(c)(3) directs that a portion of Proposition 12 funds be used by the Conservancy specifically for projects in Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara Counties. Consistent with Proposition 12, the proposed project consists of

development of public use facilities pursuant to Chapter 9 of Division 21 of the Public Resources Code. If the Proposition 12 funds are not appropriated to the Conservancy in the 2016/17 Budget Act, another appropriate fund source will be used.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Section 31400 *et seq*.). Section 31400 states that it is the intent of the Legislature that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In order to carry out that mandate, the Conservancy is authorized by Section 31400.1 to provide grants to public entities or non-profit organizations to develop, operate and manage lands for access to and along the coast.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of the initial development of a public accessway by any public agency or non-profit organization. Consistent with Section 31400.2, the amount of funding recommended to be provided by the Conservancy is based on the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and consideration of the Conservancy's Project Selection Criteria (See Consistency with Conservancy's Project Selection Criteria & Guidelines). The proposed project will leverage matching funds totaling 77 percent of the costs for this project.

The proposed project is also consistent with Section 31400.3 which authorizes the Conservancy to "provide such assistance as is required to aid public agencies and non-profit organizations in establishing a system of public coastal accessways…". Conservancy funds will be used to improve coastal access facilities.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:

Consistent with **Goal 2, Objective B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will open a coastal area that is currently inaccessible or closed to public use.

Consistent with **Goal 2, Objective D** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will fund construction of new facilities to increase and enhance coastal recreational opportunities.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's current Project Selection Criteria and Guidelines in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.

2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** By funding trail improvements at the Pismo Preserve, the proposed project will implement the following state plans and policies:
    - *AB 857 State Planning Priorities* (Ch. 1016, Statutes of 2002; Government Code Section 13102) calls for protection of "environmental and agricultural resources, wildlands, recreational lands, and landscapes with locally unique features and areas identified by the state as deserving special protection." The design, location and operation of the proposed trail improvements will serve to protect a unique coastal landscape and recreational area and allow for continued cattle grazing,
    - *Coastal Act (1976),* Public Resources Code Section 30240 on environmentally sensitive habitat areas states that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." The proposed project is consistent with this section in that the parking and trail design for the site directs users away from sensitive habitat areas.
4. **Support of the public:** Pismo Preserve has garnered wide support, including from Congresswomen Lois Capps, Senator Bill Monning, and Assemblyman Katcho Achadjian. Additionally, the San Luis Obispo County Board of Supervisors, the Cities of San Luis Obispo, Pismo Beach, Grover Beach, and Arroyo Grande have all expressed strong support for this project. The Pismo Beach Chamber of Commerce, the San Luis Obispo Chamber of Commerce, and numerous hoteliers from the Pismo Beach and the surrounding communities have expressed their support as have local associations and organized trail user groups including the Central Coast Concerned Mountain Bikers, Ride Nipomo, and San Luis Obispo Parks, Open Space and Trails Foundation. See Exhibit 4 for support letters.
5. **Location:** The property is located adjacent to the City of Pismo Beach in San Luis Obispo County on the state's central coast. The property is located both inside and outside the coastal zone. The property is within the Pismo Creek watershed, a coastal watershed, and has scenic ocean views.
6. **Need:** Funds from the State Coastal Conservancy are needed to complete the planned access improvements.
7. **Greater-than-local interest:** The proposed project provides additional public open space and recreation area for San Luis Obispo County residents, and for visitors from throughout the central coast, the state and beyond.
8. **Sea level rise vulnerability:** The planned access improvements are not likely to be directly affected by near-term sea-level rise since the western edge of the property is 70 feet above sea-level. The site provides upland habitat for wildlife seeking refuge from sea level rise impacts, and provides space for the public to recreate if sea level rise impacts the neighboring beaches and cliffs.

Additional Criteria

9. **Leverage**: See the "Project Financing" section above.
10. **Readiness**: The LCSLO has secured all required permits, completed final plans and is close to securing all the funding needed to complete the planned access improvements.
11. **Realization of prior Conservancy goals**: "See "Project History" above."
12. **Cooperation:** The project entails the cooperation of a non-profit grantee, state and local agencies, businesses and trail user groups.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the certified City of Pismo Beach Local Coastal Plan (LCP) Conservation and Open Space Element. Regional Open Space Policy 8 states, "The City, in cooperation with San Luis Obispo County, the State of California, private foundations and private interests, shall work to create a coastal foothill open space area [that] shall for all time preserve the ocean facing slopes overlooking U.S. 101 as an undeveloped natural area and as a scenic backdrop to the city of Pismo Beach and the Shell Beach area."

COMPLIANCE WITH CEQA:

The County of San Luis Obispo (County), as the lead agency for purposes of the California Environmental Quality Act (CEQA), prepared an Initial Study/ Mitigated Negative Declaration (IS/MND) for the proposed project (Exhibit 3). The County adopted the IS/MND on November 18, 2015, determining that potential impacts to Aesthetics, Biological Resources, Cultural Resources, Hazards & Hazardous Materials, Public Services/Utilities, and Water & Hydrology could be mitigated to a less than significant level. On February 22, 2016 the County filed a Notice of Determination with the State Clearinghouse. The project's potentially significant effects and mitigation measures are summarized below and are detailed in the attached IS/MND. In the IS/MND, the full list of mitigation measures and the mitigation monitoring requirements are included in the Developer's Statement for the Land Conservancy of SLO Minor Use Permit: DRC2014-00133, beginning on page 65 of the document.

Aesthetics

The proposed project will result in approximately 3.5 acres of site disturbance to construct various public improvements at the 880-acre property including two parking areas with restrooms, picnic tables and benches, road improvements, signage, and outdoor lighting that will be sited adjacent to an existing access road along a city street near a Highway 101 on-ramp. Although the proposed improvements will be visible from an adjacent city street and certain locations along Highway 101, the nature of the development is consistent with the visual character and expectations for this open space and recreation area. To address potential impacts from night lighting, an exterior lighting plan will be prepared and implemented. All lighting fixtures will be positioned down and into the development and shielded and directed away from the highway and nearby residences. Implementation of proposed landscape and lighting plans will reduce the impacts to less than significant.

Biological Resources

Sensitive Wildlife: The project site contains potential habitat for the American badger and adjacent areas provide habitat for monarch butterflies. The Peregrine falcon and Cooper's hawk are known to exist in the area. Preparation of nesting bird surveys, avoidance of American badger burrows, and biological monitoring and volunteer education and training during trail construction will result in less than significant impacts to these biological resources.

Sensitive Vegetation: The project site contains marginally suitable habitat for 16 sensitive plant species, although no such species were identified during the site survey. Implementation of proposed erosion, sedimentation and runoff reduction measures, riparian vegetation protection measures and biological monitoring and volunteer education and training during trail construction will result in less than significant impacts to these biological resources.

Wetland / Riparian Habitat: The project site contains three riparian lined ephemeral drainages. Because of previous grazing activities and steepness of slopes, significant vegetation or aquatic wildlife habitat does not occur within these drainages. Avoidance, impact minimization, implementation of proposed erosion, sedimentation and runoff reduction measures and biological monitoring will result in less than significant impacts to these biological resources.

Fish / Wildlife Movement or Migration: The project site does not contain any fish species. During construction the implementation of proposed erosion, sedimentation and runoff reduction measures, riparian vegetation protection measures and biological monitoring and volunteer education and training will result in less than significant impacts to the movement or migration of wildlife species. The design and operation of the access facilities, including nighttime closures, will result in less than significant impacts to the movement or migration of wildlife species.

Cultural Resources

The proposed project will result in approximately 3.5 acres of site disturbance and 22,000 cubic yards of grading to construct various public improvements at the 880-acre property. The proposed project will impact four archeological sites, of which three meet the California Register of Historic Resources (CRHR) significant standards. The effects of cutting, filling, and other development actions constitute a significant environmental impact to these sites. The following measures will mitigate the project's impacts to archeological resources: placing fill material to raise the grade of the parking areas; preparing and implementing a Phase III data recovery plan and monitoring plan; installing interpretive panels of Chumash history at the visitor facilities; and placing groundcover or landscaping over portions of archeological sites that are within 50 feet of the public trails, parking lots or activity areas. Implementation of these measures will reduce the project's cultural resource impacts to less than significant levels.

Hazards & Hazardous Materials

The project does not propose the use of hazardous materials nor the generation of hazardous waste. The proposed structural development area is located in a moderate fire hazard severity zone. Construction of the trail system will introduce mechanical equipment and trained volunteer staff on the site's hillsides. This equipment has the potential to spark a fire if not operated in a safe manner. Measures will provide for safety procedures to limit the potential risk for wildland fires and CalFire has requested a vegetation management plan to reduce fire risk. These measures reduce the impacts to less than significant.

Public Services/Utilities

Fire Protection: Cal Fire serves the project area and the projected response time is 0-5 minutes. Cal Fire has requested a vegetation management plan to reduce fire risk. An on-site ranger will be available during operating hours. Cal Fire will be provided 24-hour access to the main entrance and internal access roads. These measures reduce the impacts to less than significant.

Police Protection: Emergency and law enforcement services will be provided by the City of Pismo Beach and San Luis Obispo County. A ranger will be present during operating hours and will lock the main entrance gate during evening hours. These measures will reduce the impacts to less than significant.

Water & Hydrology

Potential impacts to surface water quality stem from movement of an estimated 22,000 cubic yards of material and associated sedimentation and erosion impacts. To reduce these impacts to less than significant a sedimentation and erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented.

Conservancy staff has reviewed and considered the IS/MND, and recommends that the Conservancy find that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.

If the proposed authorization is approved, Conservancy staff will file a Notice of Determination.