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# Coastal Hazard Response Plan

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**MARCH 2022**

*Prepared for:*

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# Acronyms and Abbreviations

Acronym/Abbreviation	Definition
CCC	California Coastal Commission
SSCSD	San Simeon Community Services District
RWQCB	Regional Water Quality Control Board
CDP	Coastal Development Permit
LCP	Local Coastal Program
WWTP	Wastewater Treatment Plant

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# 1 Introduction

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Figure 1. Project Location

Figure 2. Project Site

## 1.1 Background

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### 1.2.3 History of San Simeon Wastewater Treatment Plant

The San Simeon wastewater treatment plant (WWTP) was built on the blufftop beachfront near Arroyo del Padre Juan Creek (Creek) in the 1960s. Throughout its operation, the WWTP and larger site have been subject to various coastal hazards that resulted in the District undertaking repair, maintenance, upgrade, and adaptation activities, including the construction of a riprap revetment along the northern and western bluff face in 1983, replacement of the outfall pipeline in 1984, placement of riprap along the banks of the Creek in 1995, and replacement of the pipe support structure over the Creek in 1999, among others. This section will provide context for those subsequent by describing the history of the WWTP, including its routine operation, effects from coastal hazards, and past adaptation and upgrade projects.

### 1.2.4 Conditions of CDP No. 3-19-0020

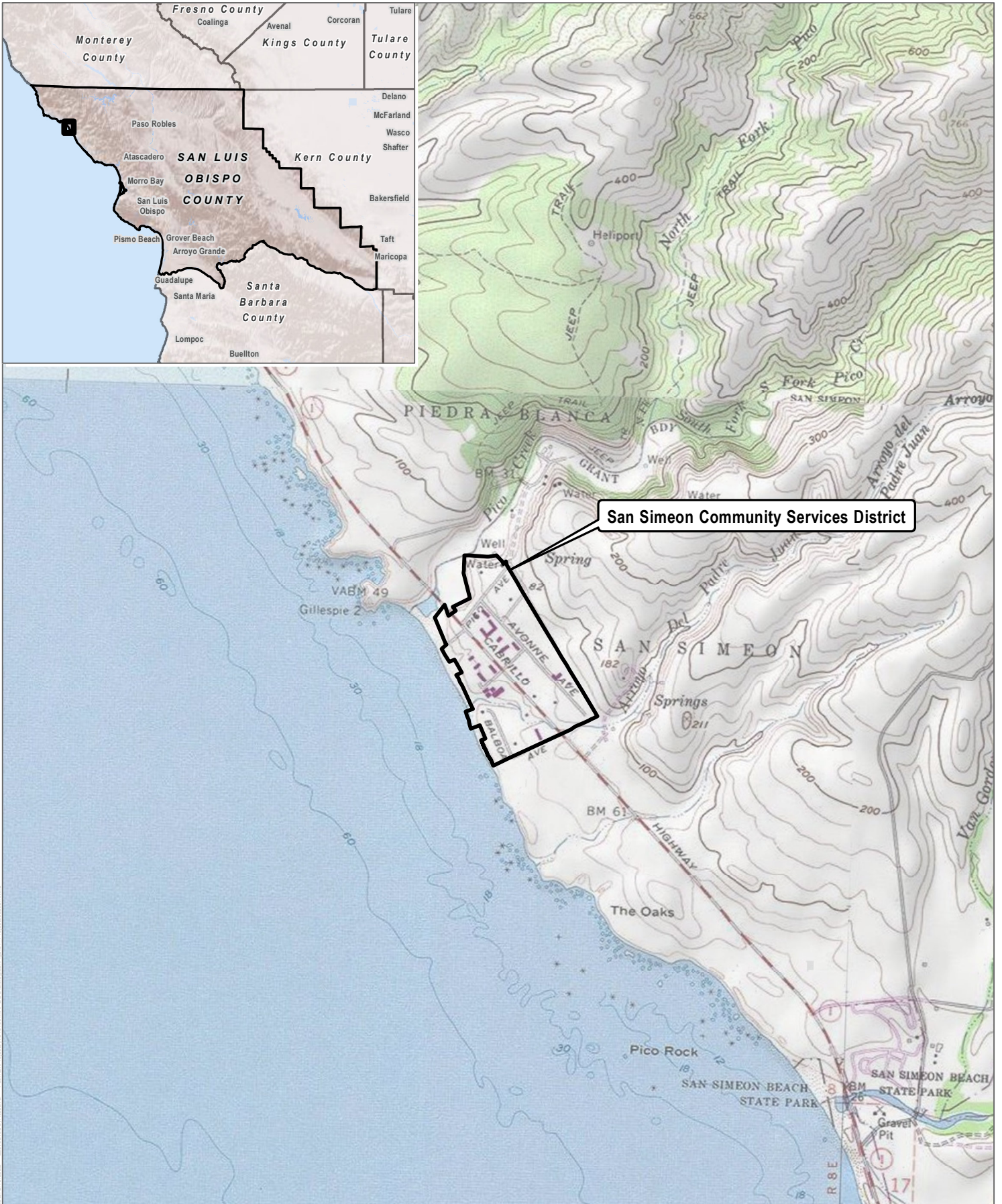
Several of the projects undertaken at the WWTP since its original construction have occurred within the permitting jurisdiction of the California Coastal Commission (CCC), and the District has previously obtained two Coastal Development Permits (CDPs) for construction of a flow-balancing tank in 1979 and installation of additional aeration and clarifier tanks in 1985 (CDP Nos. 199-09 and 4-85-180). However, much of the riprap installation and work near the Creek was undertaken without first obtaining a permit. As a result, CCC issued CDP No. 3-19-0020 in 2019 to authorize this development after the fact and specify conditions for the WWTP's continued operation and eventual relocation. One special condition of the CDP required the development of this very Coastal Hazards Response Plan (CHRP). This section will review the findings and conditions of CDP No. 3-19-0020 as they relate to this CHRP, and provide a framework for the way that this document fulfills those conditions.

## 1.3 Purpose

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SOURCE: USGS Topological Survey, 7.5-Minute Series

**FIGURE 1**

**Project Location**



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San Simeon Community Services District

SOURCE: ESRI World Imagery

**DUDEK**



0 190 380 Feet

**FIGURE 2**

**San Simeon Community Service District**

San Simeon Community Service District Wastewater Treatment Plant Alternative Analysis

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## 2.0 Regulatory Setting

San Simeon is located in San Luis Obispo County within the County's North Coast Planning Area; and within the Coastal Zone. This section outlines the federal, state, and local regulations pertinent to the resources located in the Project site. Some of the resources that could be affected by the Project are regulated by resource agencies, which often overlap in jurisdiction. This section identifies and provides a brief discussion of the various laws, regulations, and plan relevant for the Project. This section is not exhaustive and other statutes, regulations, and/or policies not listed below may be applicable.

### 2.1 Federal

#### 2.1.1 Federal Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.), as amended, is administered by the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service. This legislation is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide programs for the conservation of those species, thus preventing extinction of plants and wildlife. The ESA defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under the provisions of Section 9(a)(1)(B) of the ESA (16 U.S.C. 1531 et seq.), it is unlawful to "take" any listed species. Take is defined in Section 3(19) of the ESA as, "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." A Final Rule published in the Federal Register on November 8, 1999 (50 CFR 60727-60731), further defines "harm" as any act that kills or injures fish or wildlife, and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns (e.g., nesting or reproduction) of fish or wildlife. Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification that result in injury to or death of species, which therefore are defined as forms of take. These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species.

In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant or wildlife species, the property owner and agency are required to consult with USFWS. Take prohibitions in Section 9 of the ESA (16 U.S.C. 1531 et seq.) do not expressly encompass all plants. Property owners may take listed plant species without violating the take prohibition if:

- The proposed development is private and does not require federal authorization or permit.
- There are no special federal regulations under Section 4(d) that prohibit take of the plant species.
- There are no state laws prohibiting take of the plant species.

Section 9(a)(2) of the ESA (16 U.S.C. 1531 et seq.) addresses the protections afforded to listed plants. Unlike the CESA, the ESA provides protection to invertebrate species by listing them as threatened or endangered.



## 2.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50, Section 10.13 of the Code of Federal Regulations. The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country and is enforced in the United States by the U.S. Fish and Wildlife Service. Hunting of specific migratory game birds is permitted under the regulations listed in Title 50, Section 20 of the Code of Federal Regulations. The MBTA was amended in 1972 to include protection for migratory birds of prey (raptors). On December 22, 2017, the Department of Interior issued a legal opinion (M-Opinion 37050) that interpreted the above prohibitions as only applying to direct and purposeful actions of which the intent is to kill, take, or harm migratory birds; their eggs; or their active nests. Incidental take of birds, eggs, or nests that are not the purpose of such an action, even if there are direct and foreseeable results, was not prohibited. On January 7, 2021, the USFWS published a final rule (the January 7th rule) that codified the previous administration's interpretation, which after further review was determined to be inconsistent with the majority of relevant court decisions and readings of the MBTA's text, purpose, and history. On May 7, 2021, the USFWS published a proposed rule to revoke the January 7th rule, which would result in a return to implementing the statute as prohibiting incidental take. On July 19, 2021, the USFWS announced the availability of two revised economic analysis documents for public review that evaluate the potential for the proposed rule to impact small entities, including businesses, governmental jurisdictions, and other organizations. The public review period on these documents ended on August 19, 2021. A final rule revoking the January 7th rule was published on October 4, 2021 and went into effect on December 3, 2021. In their summary of the October 4, 2021 final rule, the USFWS explained that "the immediate effect of this final rule is to return to implementing the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and longstanding agency practice prior to 2017" (86 FR 54642).

## 2.1.3 Clean Water Act – Section 404

The objective of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under Section 404 of the CWA, the U.S. Army Corps of Engineers (ACOE) has the authority to regulate activities that could discharge fill or dredge material or otherwise adversely modify wetlands or other waters of the United States. The ACOE implements the federal policy embodied in Executive Order 11990, which, when implemented, is intended to result in no net loss of wetland values or function.

## 2.1.4 Clean Water Act – Section 401

The State Water Resources Control Board has authority over wetlands through Section 401 of the CWA, as well as the Porter-Cologne Act, California Code of Regulations Section 3831(k), and California Wetlands Conservation Policy. The CWA requires that an applicant for a Section 404 permit (to discharge dredge or fill material into waters of the United States) first obtain certification from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to either grant certification or waive the requirement for permits is delegated by the State Water Resources Control Board to the nine regional boards. The Central Coast RWQCB, discussed below, has authority for Section 401 compliance in the project area. A request for certification is submitted to the regional board at the same time that an application is filed with the ACOE.



## 2.2 State

### 2.2.1 California Environmental Quality Act

CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain criteria. These criteria have been generally modeled after the definition in FESA and Chapter 1.5 of the California Fish and Game Code that addresses rare or endangered plants and animals. Appendix G of the CEQA Guidelines requires a lead agency to determine whether or not a project would “have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.” CEQA Guidelines Section 15065 requires that a lead agency find an impact to be significant if a project would “substantially reduce the number or restrict the range of an endangered, rare, or threatened species.”

### 2.2.2 California Coastal Act

Under the California Coastal Act (CCA), the CCC regulates impacts to wetlands in the “coastal zone” and requires a coastal development permit for almost all development within this zone. From three miles seaward the coastal zone generally extends approximately 1,000 yards inland. In less developed areas, it can extend up to 5 miles inland from the mean high tide line, but can also be considerably less than 1,000 yards inland in developed areas.

The CCA also protects designated sensitive coastal areas by providing additional review and approvals for proposed actions in these areas. Section 30121 of the CCA defines wetlands as “...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, swamps, mudflats, and fens...” The CCA allows disking, filling, or dredging of wetlands for certain uses, such as restoration. The CCA also directs each city or county within the coastal zone to prepare a Local Coastal Program (LCP) for Coastal Commission Certification (CCC 2019).

### 2.2.3 State of California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA) (Fish and Game Code 2081), which prohibits the “take” of plant and animal species designated by the Fish and Game Commission as endangered or threatened in the state of California. Under CESA Section 86 (Fish and Game Code), take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA Section 2053 (Fish and Game Code) stipulates that state agencies may not approve projects that will “jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy.”

CESA (Section 2062) (Fish and Game Code) defines an endangered species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” CESA (Section 2067) (Fish and Game Code) defines a

threatened species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the Commission as rare on or before January 1, 1985, is a threatened species.” Candidate species are defined (CESA, Section 2068; Fish and Game Code) as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the Commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the Commission has published a notice of proposed regulation to add the species to either list.” CESA does not list invertebrate species.

CESA Sections 2080 through 2085 (Fish and Game Code) address the taking of threatened, endangered, or candidate species by stating, “No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (Fish and Game Code, Sections 1900–1913), or the California Desert Native Plants Act (Food and Agricultural Code, Section 80001).”

## 2.2.4 California Fish and Game Code

The potential take of state listed Threatened, Endangered or Rare plant and animal species is regulated by the CDFW and includes Species of Special Concern, Fully Protected Species and Other State Code Provisions. The “Species of Special Concern” list includes species whose breeding populations in California may face extirpation (CDFW 2020a). Although these species have no legal status under the CESA, the CDFW recommends considering these species during analysis of proposed Project impacts to protect declining populations, and to avoid the need to list them as threatened or endangered in the future. These species may “be considered rare or endangered [under CEQA] if the species can be shown to meet the criteria.”

Additionally, the California Fish and Game Code (CFGC) contains lists of vertebrate species designated as “Fully Protected” (California Fish & Game Code 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]. According to Sections 3511 and 4700 of the CFGC, which regulate birds and mammals, respectively, a “Fully Protected” species may not be taken or possessed without a permit from the Fish and Game Commission. Incidental take is not authorized under CFGC Section 2081 for species designated as Fully Protected, except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Pursuant to Section 3503.5 of the CFGC, it is unlawful to take, possess, or destroy any birds of prey; or to take, possess, or destroy any nest or eggs of such birds. Active nests of all other birds (except introduced species such as rock pigeons, Eurasian collared-doves, house sparrows, and European starlings) are similarly protected under CFGC Sections 3503 and 3513. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW. This statute does not provide for the issuance of an incidental take permit.

In accordance with Section 1602 of the CFGC (Lake and Streambed Alteration), the CDFW regulates activities that “will substantially divert, obstruct, or substantially change the natural flow or bed, channel or bank, of any river, stream, or lake designated by the Department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit.” The CDFW takes jurisdiction to the top of bank of the stream, or the

limit of the adjacent riparian vegetation, referred to in this report as “streambed and associated riparian habitats.” Lake and Streambed Alteration Agreement applications to the CDFW must include a draft California Environmental Quality Act (CEQA) document for the application to be deemed complete by CDFW. A complete certified or adopted CEQA document must be received before the CDFW can issue a Lake and Streambed Alteration Agreement.

## 2.2.5 Porter–Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act provides that “All discharges of waste into the waters of the State are privileges, not rights.” Waters of the state are defined in Section 13050(e) of the Porter–Cologne Water Quality Control Act as “any surface water or groundwater, including saline waters, within the boundaries of the state.” All dischargers are subject to regulation under the Porter–Cologne Water Quality Control Act, including both point and nonpoint source dischargers. The Central Coast RWQCB is the appointed authority for Section 401 compliance in the Project area.

## 2.2.6 State Water Resources Control Board

In California, the State Water Resources Control Board and the RWQCBs are responsible for implementing the Clean Water Act. Discharges into waters of the state are regulated under Section 401. The “State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” (Procedures), issued by the State Water Resources Control Board in April 2020, states that “all waters of the United States are also ‘waters of the state.’” The Procedures also provided clarification on the definition of a wetland, which include areas that under normal circumstances: (1) have continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anerobic conditions in the upper substrate; and (3) the vegetation is dominated by hydrophytes or the area lacks vegetation. This modified three-parameter definition is similar to the federal definition in that it identifies three wetland characteristics that determine the presence of a wetland: wetland hydrology, hydric soils, and hydrophytic vegetation. However, unlike the federal definition, the Procedures’ wetland definition allows for the presence of hydric substrates as a criterion for wetland identification (not just wetland soils) and wetland hydrology for an area devoid of vegetation (less than 5% cover) to be considered a wetland.

The State Water Resources Control Board has authority over wetlands through Section 401 of the CWA, as well as the Porter–Cologne Act, California Code of Regulations Section 3831(k), and California Wetlands Conservation Policy. The CWA requires that an applicant for a Section 404 permit (to discharge dredge or fill material into waters of the United States) first obtain certification from the appropriate state agency stating that the fill is consistent with the state’s water quality standards and criteria. In California, the authority to either grant certification or waive the requirement for permits is delegated by the State Water Resources Control Board to the nine regional boards. The Central Coast RWQCB has authority for Section 401 compliance in the project area. A request for certification is submitted to the regional board at the same time that an application is filed with the ACOE.

## 2.2.7 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) was adopted in 1972 to protect the coastal environment from growing pressures associated with residential, recreational, commercial, and industrial development. This act, administered by the National Oceanic and Atmospheric Association (NOAA), outlines the management of the nation’s coastal resources, and includes the Great Lakes. The CZMA encompasses three

national programs, the National Coastal Zone Management Program, the National Estuarine Research Reserve System, and the Coastal and Estuarine Land Conservation Program. The Federal Consistency Unit of the California Coastal Commission (CCC) implements the federal CZMA as it applies to federal activities, development projects, permits and licenses, and support to state and local governments. The CZMA encourages states to develop coastal management programs and implement federal consistency procedures. Upon certification of the state coastal management program all federal agency activities affecting the coastal zone must be consistent with the policies and requirements detailed in the states program. A review process is undertaken to indicate whether project activities will be performed in a manner consistent with enforceable policies of approve management programs and called a consistency determination for federal agency activities and development projects; and a consistency certification for federal permits and licenses, and/or federal support (i.e. funding) to state and local agencies.

California's coastal zone is defined as extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five (5) miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards.

The Project is located entirely within the coastal zone. As further discussed below, the County of San Luis Obispo has a certified Local Coastal Program authorized under the California Coastal Act.

## 2.3 County of San Luis Obispo

In addition to the federal and state regulations identified above, the following local laws, ordinances, regulations, and standards apply to the environmental review of potential impacts to regulated resources as a result of the Project.

### 2.3.1. North Coast Planning Area

The North Coast Area Plan (County 2018) was adopted by the County Board of Supervisors in 1980 and certified by the CCC in 1988; and most recently revised in 2018. The NC Area Plan describes County land use policies, including regulations which are also adopted as part of the Land Use Ordinances and Local Coastal Program. Relevant general goals for planning in San Simeon Acres are provided below. In addition, Planning Area Standards are provided below. Planning Area Standards specific development standards to address special issues and conditions relevant to the community. Standards are mandatory requirements for development. These are described in Chapter 7 of the County North Coast Area Plan (County 2018).

#### Relevant General Goals

**1. Environment.** Maintain and protect a living environment that is safe, healthful and pleasant for all residents by:

- A. Assuring the protection of coastal resources such as wetlands, coastal streams, forests, marine habitats, and wildlife, including threatened and endangered species.
- B. Conserving nonrenewable resources and replenishing renewable resources.

- C. Balancing the capacity for growth allowed by the Plan with the sustained availability of resources.
- D. Avoid or mitigate to the maximum extent feasible, any adverse impacts from development using the best available methods.
- E. Preserving and protecting the air quality by seeking to attain and maintain State and federal ambient air quality standards by determining, and mitigating where feasible, potential adverse air quality impacts of new residential, commercial, and recreational development.
- F. Preserving and protecting water quality by avoiding and mitigating, potential adverse water quality impacts of new residential, commercial, and recreational development, among other ways through the implementation of low impact site designs that protect natural drainage courses, maximize opportunities for on-site percolation or detention and reuse of stormwater, and treat and filter runoff as necessary to remove sediments and contaminants.
- G. Supporting the efforts of the Monterey Bay National Marine Sanctuary, or future local marine sanctuaries.
- H. Protecting cultural, archaeological, and paleontological resources.
- I. Avoiding new development in hazardous areas and, where feasible, removing development threatened by hazards

**6. Residential Land Uses.** Preserve and enhance the quality of residential areas by:

- A. Locating urban residential uses within Cambria Urban or San Simeon Village Reserve Lines in areas near employment.
- B. Protecting residential areas from incompatible land uses and protecting the residential character of single-family areas.
- C. Preserving desirable neighborhood characteristics such as compatible uses, open views, yard areas, sense of scale, landscaping, pedestrian ways, and other amenities.
- D. Requiring major developments and long range plans to create a balance between available jobs and housing by locating housing in areas that reduce the need for commuting

**9. Commercial and Industrial Land Uses.** Designate commercial and/or industrial areas that are compatible with overall land use by:

- A. Designating visitor-serving and community-serving commercial areas that are located near existing similar development and their users.
- B. Designating commercial and/or light industrial areas compatible with overall land uses that are convenient to users, and are realistically related to market demand and the needs of the community.

- C. Creating and preserving desirable neighborhood business characteristics, such as compatible uses, safe employment areas, sense of scale, attractive landscaping, pedestrian ways, and other amenities.

**13. Open Space.** Preserve urban open space as an irreplaceable resource for future generations by:

- A. Encouraging cooperation among governmental agencies, landowners, and nonprofit organizations in the preservation of open space.
- B. Recognizing the value of open space and passive recreation as both a coastal resource, and an economic asset contributing to the desirability of the area as a place to live, an agricultural production area, wildlife habitat, and a visitor destination area.
- C. Encouraging better access to the coast through the acquisition and development of coastal accessways, trails, and neighborhood parks, in areas that do not impact agriculture or coastal resources.

**18. Public Access to the Shoreline.** Provide for public access, consistent with the need to protect natural resource areas from overuse, by:

- A. Maximizing public access to and along the coast through the following:
  - 1. Developing all feasible vertical and lateral pedestrian access easements to and along the shoreline, consistent with other public access goals of this plan.
  - 2. Developing a Coastal Trail through the length of the Planning Area.
  - 3. Developing all other feasible pedestrian circulation systems in the coastal zone, consistent with other public access goals of this plan.
  - 4. Providing a bike path system for the Planning Area.
  - 5. Providing conspicuous signage for all public access easements.
- B. Preventing interference with the public's right of access to the sea, whether acquired through 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.
- C. Requiring new development between the nearest public roadway and the shoreline and along the coast to provide public access consistent with sound resource management and consistent with public safety, military security needs, and the protection of fragile coastal resources.
- D. Carefully balancing the public's right of access to the sea with constitutionally protected private property rights.



### 2.3.1.1 Planning Area Standards

The following section provides relevant planning area standards for San Simeon Acres Village. For additional standards see County (2018), Chapter 7 “Planning Area Standards.” See Chapter 7 for additional standards related to communitywide shoreline development, shoreline access, new development building designs, buildings size, commercial or mixed use or residential standards, lot creation, and landscaping.

#### Combining Designations

1. Arroyo del Padre Juan. Arroyo del Padre Juan Creek, including associated riparian habitat areas and beach lagoon, shall be protected, enhanced, and where feasible, restored. All new development shall be setback a minimum of 100 feet from the upland edge of riparian vegetation. Setbacks of less than 100 feet are allowed only in accordance with Section 23.07.174d.2 of the CZLUO. Removal of riparian vegetation on the banks of the creek is prohibited.

#### Communitywide

1. **Marine Habitat Protection - Projects with Point-Source Discharges.**

The richness, sensitivity, and unspoiled character of the marine habitats in San Simeon Acres demand particularly rigorous measures to protect, maintain, enhance, and restore these special resources. Accordingly, no surface point-source discharges into the marine environment are allowed, except as follows: **Exceptions:**

- A. **San Simeon Acres Community Services District.** Discharges by the San Simeon Acres Community Services District (SSCSD) that have been properly permitted, when permits are required, by the County, the California Coastal Commission (CCC), Regional Water Quality Control Board (RWQCB), State Lands Commission (SLC), Environmental Protection Agency (EPA) and Monterey Bay National Marine Sanctuary (MBNMS).
- B. **Stormwater Outfalls.** Stormwater outfalls that discharge to the beach, intertidal area, or marine environment are prohibited unless it has been demonstrated that it is not possible to detain the stormwater on-site, or direct the stormwater to pervious land areas or the street, without causing flooding problems or erosion hazards. In such instances, stormwater outfalls shall include filtration and treatment systems necessary to protect coastal water quality; be screened from public view using underground pipes and/or native vegetation of local stock; and receive all necessary approvals from the agencies listed above. Consolidation of existing outfalls shall be pursued where feasible.
- C. **Passthrough Discharges.** Aquaculture seawater passthrough discharges that are consistent with LCP requirements, and provided that:
  - (1) Discharge is in compliance with CCC, SLC, MBNMS, EPA, RWQCB and California Department of Fish & Game (CDFG) laws and regulations.
  - (2) The discharge point is located south of San Simeon Point.

- (3) The discharge method will not result in a eutrophic concentration of nutrients, and will not result in adverse impacts to wild abalone populations or other native marine organisms.

**D. Seawater Passthrough Devices.** Seawater passthrough discharges for public aquaria, and for scientific research facilities that are consistent with LCP requirements, and provided that:

- (1) Discharge is consistent with CCC, MBNMS, EPA, CDFG, SLC and RWQCB laws and regulations.
- (2) The discharge method will not result in adverse impacts to kelp beds or other native marine organisms.

**E. Water Quality Enhancement.** Discharges to streams, for the purpose of hydrologic replenishment and/or stream water quality enhancement that are consistent with LCP requirements, and provided that:

- (1) Discharge is consistent with NMFS, U.S. Fish & Wildlife Service (USFWS), EPA, RWQCB, and CDFG Regulations.
- (2) The discharged waters will be of appropriate temperature and quality so as not to disrupt the steelhead run, nor the in-stream habitat for any other sensitive species including, but not limited to, the red-legged frog and tidewater goby nor will impact adjacent agriculture.

**2. Service Capacity.**

The San Simeon Acres Community Services District (SSCSD) shall maintain and reserve available water and sewage treatment capacity for the following priority uses:

- A. Visitor Serving Uses.** A minimum of 50 percent of available water and sewer capacity.
- B. Affordable Housing - Program Required.** Of the remaining capacity, the SSCSD shall reserve sufficient water and sewer capacity to serve affordable housing. Prior to issuance of any further water allocation letters, the District shall propose to the County a program to accommodate a limited number for affordable housing units each year. The exact number shall be determined based on unmet housing needs and availability of water.
- C. Water Use.** Within three years of adoption of this Plan, an instream flow management plan for Pico Creek shall be completed by the SSCSD and approved by the County. The plan shall identify a specific amount of new development, withdrawals for which will not adversely affect riparian and wetland habitat or agricultural activities. If three years after the adoption of this Plan the study has not yet been approved by the County, no further development or land division which relies on water from Pico Creek shall be approved.

**7. Traffic Mitigation - Highway One.**

Proposed development shall be reviewed to identify any potential adverse impacts to coastal resources, including any potential impacts to levels of service on Highway One. Inadequate road capacity may be grounds for denial unless mitigation measures are incorporated to ensure that adequate levels of service can be provided. An increase in traffic that detracts from the rural, scenic



nature of Highway One shall not be permitted. The acceptable level of service (LOS) for Highway One is LOS D within the San Simeon Acres Village Reserve Line.

**8. Design Considerations.**

Measures to increase scenic quality from Highway One shall be encouraged through the design review process. Appropriate measures could include installation of sidewalks, street furniture, street trees, and decorative street lights. Figures 7-25 and 7-26 illustrate how these considerations may be implemented.

**11. Compatibility with Existing Structures.**

All development shall be located and designed to minimize the impacts of noise, light, glare, privacy loss, and odors on adjacent areas. Traditional building styles of early coastal buildings shall be encouraged. Roof lines and building exteriors shall be compatible with buildings in the surrounding area.

**16. Site Review.**

Based on the results of a site review, all projects determined to have the potential to adversely impact a sensitive resource shall require a biologic assessment report prepared in accordance with Coastal Zone Land Use Ordinance Section 23.07.170.

## 2.3.2 County of San Luis Obispo - Local Coastal Program

The County General Plan and Zoning Ordinance incorporates policies from a Local Coastal Program (LCP) to those areas within the Coastal Zone. The County of San Luis Obispo LCP is made up of the Coastal Zone Land Use Element and the Coastal Zone Land Use Ordinance. The Coastal Zone Land Use Element itself is made up of six distinct documents: the Coastal Zone Framework for Planning, the Coastal Plan Policies, and four Coastal Zone Area Plans (Estero, North Coast, San Luis Bay, and South County).

Pursuant to its certified LCP, the County of San Luis Obispo requires approval of one of three permit types (Plot Plan, Minor Use Permit, or Development Plan) for any proposed development within the coastal zone that does not qualify as repair/maintenance or minor remodel of an existing structure, a fence, installation of irrigation lines, utility connections for existing service facilities, timeshare conversions of existing residences, crop production and grazing, or minor changes of use. The exact permit type depends on the floor area of the proposed development: less than 10,000 square feet qualifies for a Plot Plan; 10,000–39,999 square feet qualifies for a Minor Use Permit; and 40,000 square feet or more qualifies for a Development Plan.

## 2.3.3 Coastal Zone Land Use Ordinance – Title 23 of the San Luis Obispo County Code

The Coastal Zone Land Use Ordinance of the San Luis Obispo County Code (Title 23) apply to all land use and development activities within the unincorporated areas of San Luis Obispo County within the coastal zone. The purpose of Title 23 is to protect and promote public health, safety and welfare, and to specifically:

- a. To implement the San Luis Obispo County General Plan and the San Luis Obispo County Local Coastal Program, and to guide and manage the future growth of the county in accordance with those plans; and

- b. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county; and
- c. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development; and
- d. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the county general plan.
- e. To assist the public in identifying and understanding regulations affecting the development and use of land.

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# 3 Coastal Hazards Analysis

Current and future coastal hazards along the coast of San Simeon will be evaluated to inform alternative site selection and analysis. The objective of this analysis is to identify potential hazard zones and proximity to the WWTP alternative sites.

## 3.1 Overview of Coastal Hazards

The coastline of San Simeon is exposed to a variety of hazards including shoreline erosion, bluff erosion, coastal flooding, and tsunamis. This section will provide a general overview of each hazard evaluated in this analysis.

### 3.1.1 Shoreline Erosion

Discuss factors influencing shoreline change and erosion such as sediment supply, seasonal wave climate and long-term changes associated with SLR.

### 3.1.2 Bluff Erosion

Discuss factors influencing bluff erosion and reference any site-specific analyses (if available).

### 3.1.3 Flooding

Discuss factors influencing coastal flooding such as coincident wave & high water level events.

## 3.2 Sea level Rise Projections

Discuss tsunami hazards, referencing ASCE 7-16 standards for tsunami loads & effects, applicable to critical infrastructure.

### 3.2.1 Overview of SLR Projections (OPC, CCC 2018 Guidelines)

This section will provide an overview of SLR projections based on latest guidance documents along with updated projections recently released by NOAA (2022).

### 3.2.2 Timing & Probability of Selected SLR Scenarios

Sea level rise (SLR) projections along the west coast of California are provided in the 2018 State of California Sea Level Rise Guidance document (OPC 2018). The California Coastal Commission Sea Level Rise Policy Guidance, also updated in 2018, refers to these as the “best available science” on SLR projections in California.

### 3.2.2.1 Evaluation of 3.3 feet, 4.9 feet, and 6.6 feet based on 50 year lifespan of relocated facility and risk profile

This section will discuss timing & probability of selected SLR scenarios. The analysis will evaluate 3.3 feet, 4.9 feet and 6.6 feet based on available hazard data. There is an extremely low probability ~0.5% that SLR will exceed 6.6 feet before 2100. A range of probabilistic SLR projections for the Port San Luis tide station are provided below. This figure also includes the H++ scenario, referenced in the State Guidance documents for consideration on critical infrastructure projects.

## 3.3 CoSMoS Future Coastal Hazards

This section will present hazards maps for each SLR scenario and illustrate their proximity to alternative sites considered for WWTP relocation.

### 3.3.1 Hazards Maps for SLR Scenario and Alternative Sites

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### 3.3.2 Potential Vulnerabilities/Hazards at Alternative Sites

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## 3.4 Conclusion

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## 4 Alternative Analysis

Dudek will conduct the alternatives analysis for the proposed WWTP relocation using a rough screening analysis of up to four alternative sites, excluding the existing plant site, and a fine screening analysis of up to two preferred plant sites, excluding the existing project site.

### **ROUGH SCREENING ANALYSIS (up to 4 sites)**

The rough screening analysis identifies feasible and appropriate project alternatives to be carried forward into the fine screening analysis. Site alternatives for the rough screening analysis are preliminarily identified based on the alternatives identified in the Alternative Analysis for Relocation of the San Simeon Community Services District Wastewater Treatment Facility (Rincon 2008), which identified two potential plant relocation sites. The two sites, Site A and Site D, identified by Rincon (2008) are supplemented by one additional sites, Site A, defined in conversation with SSCSD Board, staff and constituent(s). The plant site alternatives include:

1. Site A
2. Site D
3. Site E
4. [Constituent] Defined Site

Rough screening is based on whether the alternative sites meet the overall project objectives and established evaluation criteria. Evaluation criteria is based on a combination of environmental, policy, and engineering factors/requirements. Each alternative is then assessed according to the established evaluation criteria (identified below) and ranked based on SSCSD-defined weighting factors, as determined in coordination with SSCSD and CCC staff. The evaluation criteria assessment is based on visual assessment of each site, as well as review and analysis of existing available information applicable to each criterion.

### ***Criteria for Rough Screening Analysis of Identified Alternatives***

- I. Environmental constraints/preliminary LCP consistency analysis:
  - Coastal hazards
  - Public access and recreation
  - Visual resources
  - Cultural resources
  - Biological/marine resources (sensitive upland habitat, water quality, wetlands, marine habitat)
  - Agricultural resources
  - Land use compatibility.

2. Logistics: Can the plant relocation be implemented in the required timeframe considering legal and institutional requirements
  - Proximity to existing wastewater collection/conveyance facilities
  - Site suitability – ability to accommodate growth
  - Site availability – landowner rights
  - Legal restrictions
  - Regulatory restrictions
  - Recycled water initiatives.
3. Economic factors:
  - Economic feasibility.

Appendix A includes the summary report and evaluation matrix addressing each alternative site, clearly documenting the results of the rough screening analysis. The two top-ranked site alternatives, excluding the existing site, are moved forward into the fine screening analysis.

#### ***Rough Screening Public Outreach***

The rough screening analysis includes the following opportunities for public input and team/CCC staff collaboration:

- Public workshop presentation (1) – held at SSCSD Board Meeting
- CCC staff meeting (1)

The public workshop during the rough screening analysis phase facilitates public input on feasible relocation sites and presents the rough screening approach and evaluation criteria. A formal PowerPoint presentation discusses the approach and methodology, leading to a public comment period with SSCSD Board and staff members, and the Dudek team. The public workshop is held in the evening at City Hall, and is attended by the Dudek project manager, engineering task leader, and additional key staff, as necessary.

The meeting with the CCC discusses the rough screening analysis and preliminary findings, held at the local CCC office and attended by the Dudek project manager, engineering task leader, and additional key staff, as necessary.

#### **FINE SCREENING ANALYSIS (2 Sites)**

The fine screening analysis is based on site alternatives, excluding the existing site, that meet additional, focused evaluation criteria, including the two top-ranked sites determined to meet the project objectives while minimizing environmental impacts and engineering constraints.

The fine screening analysis is conducted at a level of detail sufficient to demonstrate the proposed project's consistency with CC directives and policies, while ensuring project goals and objectives are achieved. As such, the fine screening analysis is conducted concurrently with the technical analyses included in this project. Each alternative site is then be ranked based on SSCSD-defined weighting factors as determined in coordination with SSCSD and CCC staff.

**Criteria for Fine Screening of Remaining Alternatives**

1. Fine screening effort are intended to avoid/minimize environmental impacts/LCP consistency analysis, considering the following:
  - Coastal hazards (Coastal Hazards Technical Study)
    - Risk of flooding – 100-year storm event
    - Tsunamis
    - Shoreline erosion – sea level rise
  - Public access, recreation, and visitor-serving uses
    - Traffic/parking
    - Objectionable odors
    - Opportunities to enhance recreation/visitor-serving resources
  - Visual resources
    - Public viewsheds
    - Significant landforms
    - Compatible design
  - Sustainable use of public resources
    - Maximize water reclamation
    - Maximize treated wastewater disposal options
  - Cultural resources
    - Recorded archaeological and historical sites
  - Environmentally sensitive habitat areas (ESHA)
    - Water quality/groundwater basin recharge opportunities
    - Marine habitat/ocean outfall.
2. Project Implementation is also critical to the success of the overall project, and considers the following criteria:
  - Maximize proposed project's ability to meet objectives
    - Compliance with the secondary treatment standards
  - Minimize project delays
    - Additional infrastructure requirements – wastewater collection/conveyance system (facilities/pipelines)
    - Acquisition of land
    - Regulatory permits and approvals
    - Public controversy.
3. Economic factors are also a critical factor is the analysis, with the goal of minimizing overall cost, including the following considerations:
  - Capital cost (planning, design, property acquisition, construction, mitigation)
  - Operational cost.

### ***Fine Screening Public Outreach***

The fine screening analysis includes the following opportunities for additional public input and SSCSD/CCC staff collaboration:

- Public workshop presentation (1)
- CCC staff meeting (1)

The public workshop for the fine screening analysis phase provides comparison of alternatives at an equal level of detail for the two feasible alternatives, evaluated pursuant to the criteria described above. Supporting materials, including a formal PowerPoint presentation discussing the approach, methodology, and findings, are in Appendix B for review. The public workshop is held in the evening at SSCSD offices, and will be attended by the Dudek project manager, engineering task leader, and additional key staff, as necessary.

The meeting with CCC staff discusses the preliminary conclusions of the fine screening analysis, and is held at the local CCC office and is attended by the Dudek project manager, engineering task leader, and additional key staff, as necessary.

### **Figure 3. Alternatives**

## **4.1 Alternative A**

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### **4.1.1 Regulatory and Environmental Analysis**

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### **4.1.2 Wastewater Engineering Analysis**

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### **4.1.3 Conclusion**

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## **4.2 Alternative D**

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### **4.2.1 Regulatory and Environmental Analysis**

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## 4.2.2 Wastewater Engineering Analysis

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## 4.2.3 Conclusion

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## 4.3 Alternative E

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### 4.3.1 Regulatory and Environmental Analysis

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### 4.3.2 Wastewater Engineering Analysis

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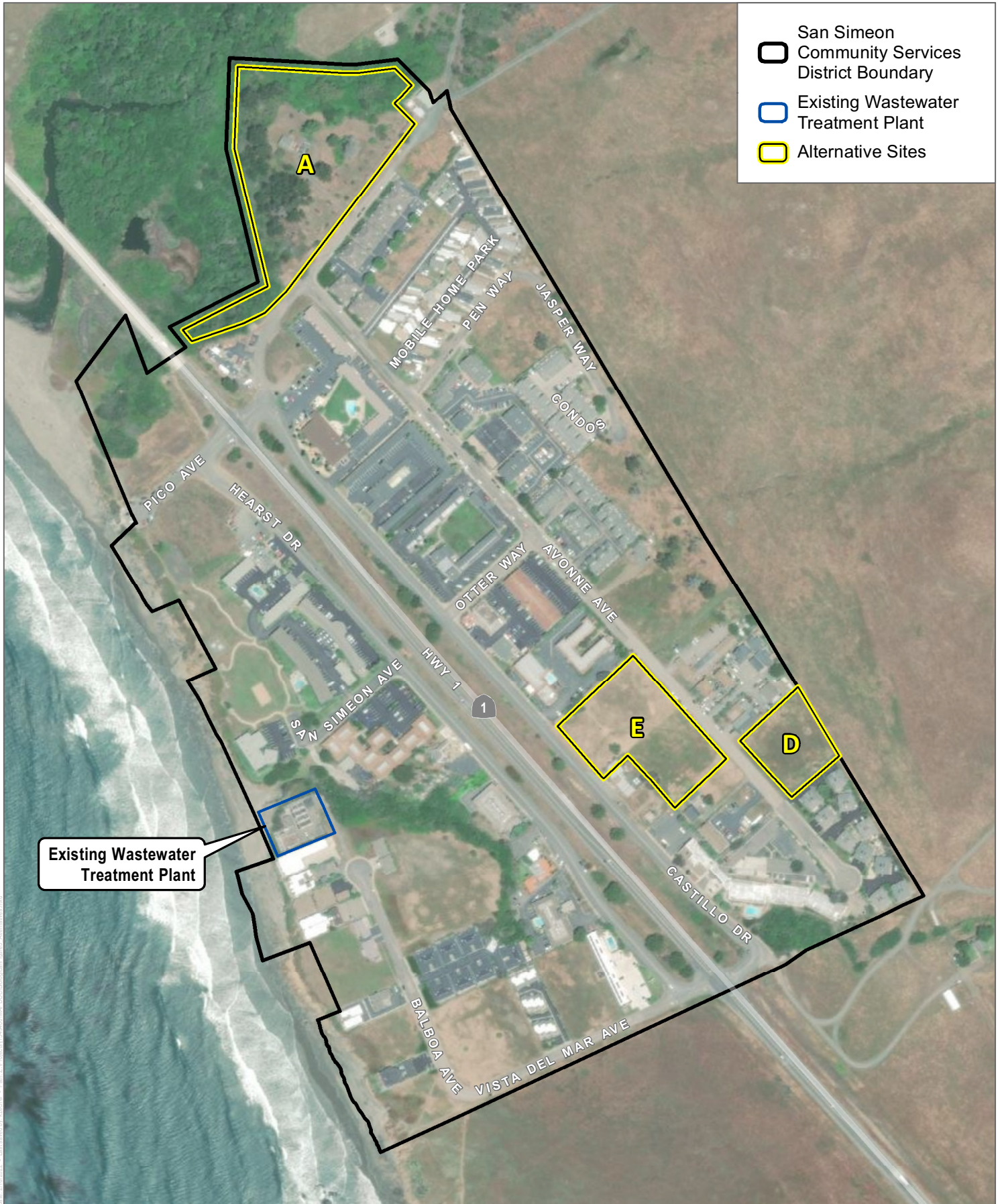
### 4.3.3 Conclusion

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## 4.4 Preferred Alternative

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## 5. Relocation Site

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### 5.1 Permitting (and Potential LCP Amendment)

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### 5.2 Cost and Funding

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### 5.3 Timeline of Major Relocation Events

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### 5.4 Conclusion

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## 6. Agency Coordination

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### 6.1 County of San Luis Obispo

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### 6.2 California Coastal Commission

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### 6.3 Regional Water Quality Control Board

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### 6.4 California Department of Fish and Wildlife

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### 6.5 California State Parks

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## 7 References

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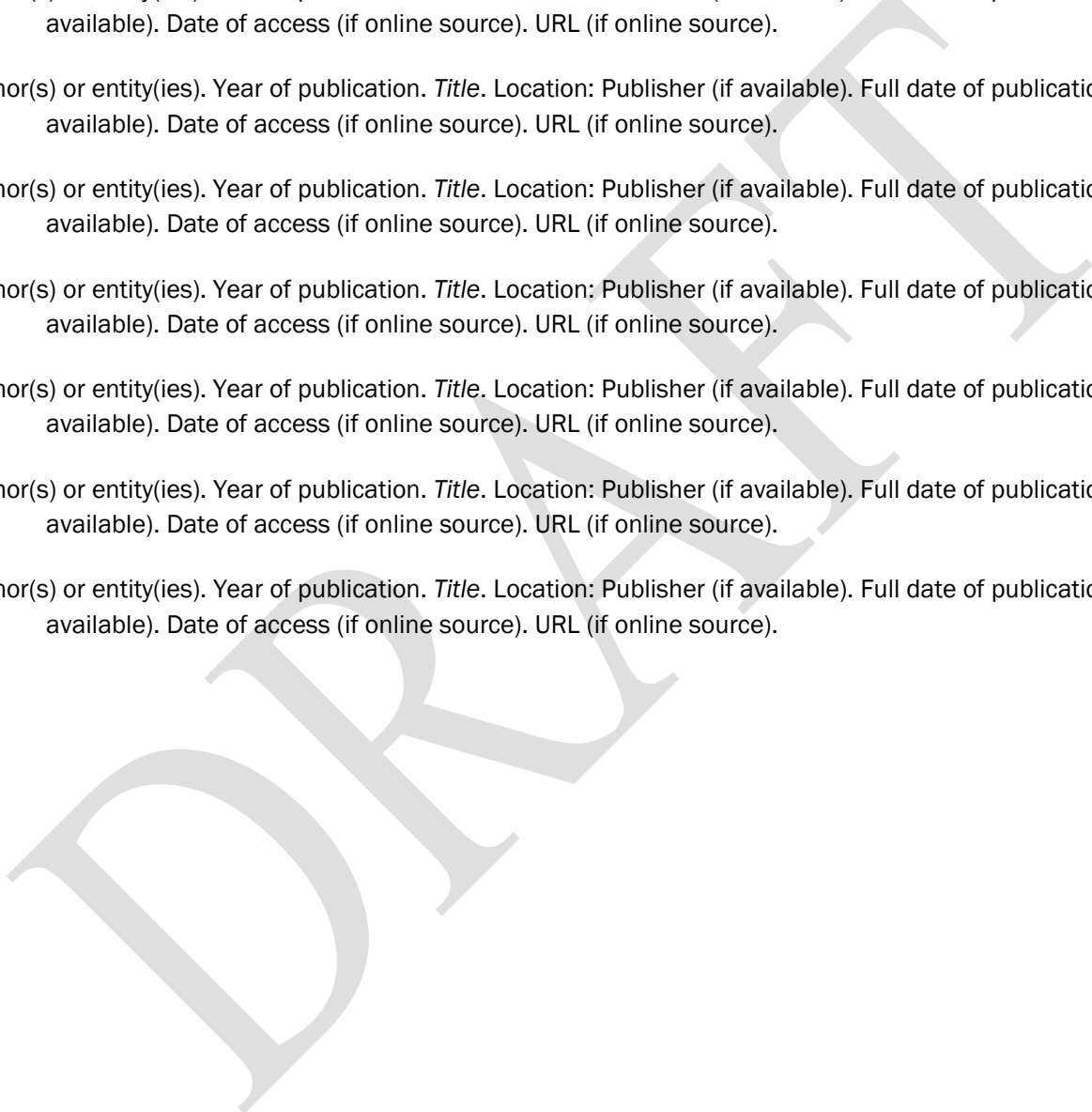
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**Appendix A**  
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