

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th11b



Prepared February 14, 2008 (for March 6, 2008 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Mike Watson, Coastal Planner

Subject: **City of Pismo Beach LCP Major Amendment Number 1-07 (Kendall/Five Cities Drive Rezone).** Proposed major amendment to the City of Pismo Beach certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission’s March 6, 2008 meeting to take place at the Rancho Canada Golf Club at 4860 Carmel Valley Road in Carmel.

Summary of Staff Recommendation

The City of Pismo Beach proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to rezone an approximately 6-acre site located at 100 Five Cities Drive (adjacent to State Highway 101 and the Southern Pacific Railroad line in the Pismo Marsh Planning Area) from Commercial Manufacturing (CM) to General Commercial (C-2) to facilitate a greater range of commercial uses of the site. Staff believes that the additional range of uses proposed are generally similar to those already allowed on the site, are likely to facilitate similar development of the site overall, and are consistent with the underlying commercial Land Use Plan (LUP) designation that applies to this property. The important planning consideration at this site with respect to future development is to ensure that the adjacent habitat corridor located along the adjacent railroad tracks is protected, preserved, and enhanced with any future development project. Staff believes that existing LCP resource protection criteria are sufficient to ensure that that is the case, and does not believe that additional site specific standards need to be applied to this site otherwise.

Staff recommends that the Commission find that the proposed rezoning is consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the LCP amendment as submitted.

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California Coastal Commission

March 2008 Meeting in Carmel

Staff: M. Watson Approved by:

Th11b-3-2008

I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the rezoning and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission **reject** Major Amendment Number 1-07 to the City of Pismo Beach Local Coastal Program Implementation Plan as submitted by the City of Pismo Beach.

Resolution to Certify Implementation Plan Amendment As Submitted. The Commission hereby certifies Major Amendment Number 1-07 to the City of Pismo Beach Local Coastal Program Implementation Plan as submitted and adopts the findings set forth below on grounds that Major Amendment Number 1-07 as submitted is consistent with and adequate to carry out the certified Land Use Plan, and certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

The City of Pismo Beach proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to rezone an approximately 6-acre site consisting of a single underlying lot from Commercial Manufacturing (CM) to General Commercial (C-2). The purpose of the amendment is to facilitate a broader range of commercial uses of the site. Under the existing zoning, the principally permitted uses are limited to mainly non-polluting manufacturing and light industrial uses (including electronics manufacturing, welding, fabrication, product assembly, and food processing). The proposed new zoning will facilitate additional commercial uses such as commercial retail stores, office space, mini storage, mixed commercial/residential uses, and light industrial uses. The site is located at 100 Five Cities Drive adjacent to State Highway 101 and the Southern Pacific Railroad line in the Pismo Marsh Planning Area of the City of Pismo Beach. Please see Exhibit A for location map, Exhibit B for the proposed rezoning map, and Exhibit C for the City’s resolution and ordinance adopting the proposed change.



B. Consistency Analysis

The standard of review for Implementation Plan amendments is that they must be consistent with and adequate to carry out the certified Land Use Plan (LUP).

The subject site is bounded by transportation corridors to the north (State Highway 101) and west (Southern Pacific Railroad), a motel to the south, and other commercial uses to the east. It is located in a depression below Five Cities Drive, the Highway, and the motel. The proposed site is located in a more inland area adjacent to the highway that is generally developed at urban densities.

The existing Land Use Plan designation for the subject site is commercial, and this designation can accommodate a variety of commercial uses, including those allowed in the proposed General Commercial (C-2) zoning district. The proposed zone change from Commercial Manufacturing (CM) to General Commercial (C-2) would continue to allow for only commercial uses, but would expand the range of uses from that currently allowed to also include a series of similar commercial uses. The site lacks on-site coastal resource constraints that would argue for a different designation to be applied, and the zoning district proposed would be consistent with and adequate to carry out the LUP's commercial designation in this case. Thus, the proposed C-2 zoning is consistent with the LUP.

There is a habitat corridor located along the railroad tracks adjacent to the subject site that provides habitat connectivity between inland areas and Pismo Marsh Ecological Reserve. The important planning consideration at this site with respect to future development is to ensure that this adjacent habitat corridor is protected, preserved, and enhanced with any future commercial development project. In that respect, the corridor, as well as the Reserve, are already protected by existing LCP resource protection criteria. The Commission believes that future LCP-consistent development on this site can be accommodated in a manner that respects these off-site resources through appropriate siting and design, storm water and drainage improvements, and habitat enhancements. In other words, the existing LCP resource protection criteria are sufficient to ensure that these adjacent resources are protected, and additional site specific standards need not be applied to this site to ensure that this occurs in the future.

With respect to potential future development, the Commission is aware that the property owner is currently pursuing a project at this time, and that the property owner and the City have coordinated with Commission staff, including the Commission's staff biologist, on incorporating appropriate resource protection provisions into the project (e.g., shielding noise, lights, and activities from the adjacent corridor; incorporating low impact development (LID) water quality BMPs strategies into the project to limit impervious surfaces, to filter/treat runoff appropriately, etc.; providing for habitat enhancement; etc.). Although this is not the only project that might be facilitated by and/or follow the proposed amendment, this potential project currently being developed provides a reasonably foreseeable example of what might follow if the Commission certifies the proposed rezoning. This potential project also provides a good example of the application of existing LCP resource protection policies to development at this site, demonstrating that these existing policies are sufficient to protect adjacent coastal resources and that the proposed rezoning is appropriate here.

In conclusion, the Commission finds that the proposed rezoning is consistent with and adequate to carry out the policies of the LUP, and approves the LCP amendment as submitted.



C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City, acting as the lead CEQA agency in this case, exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

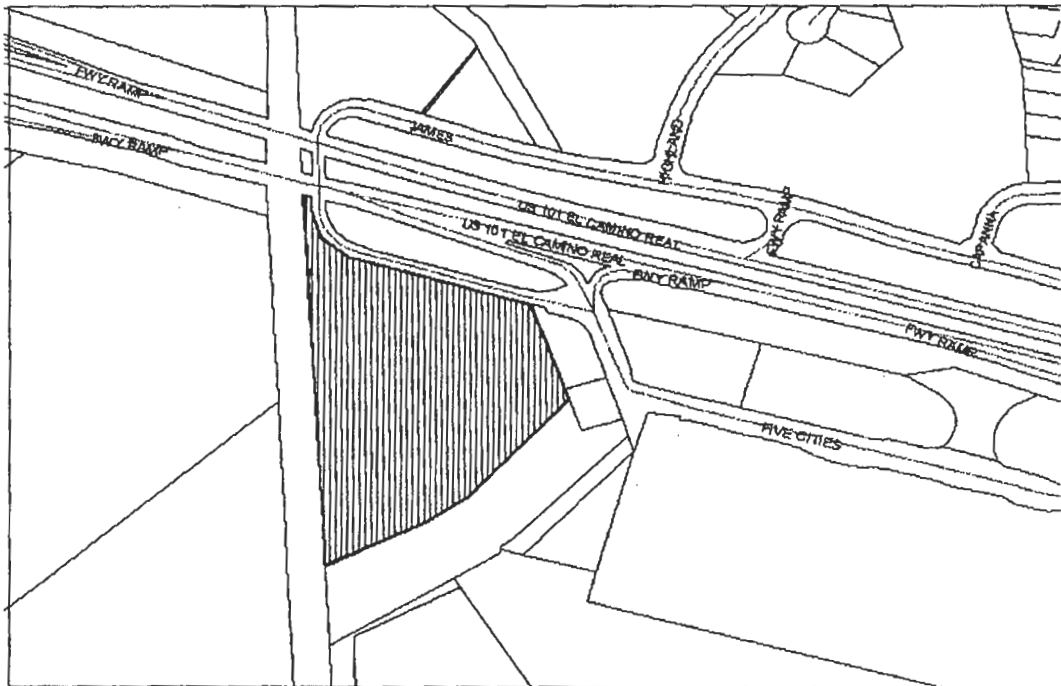
As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



Exhibit A: Location Map

Site Location Map

100 Five Cities Drive



 **Streets**
Project Site



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Exhibit B: Proposed Zoning Map Change

Figure 1. Current CM (Commercial Manufacturing) Zoning

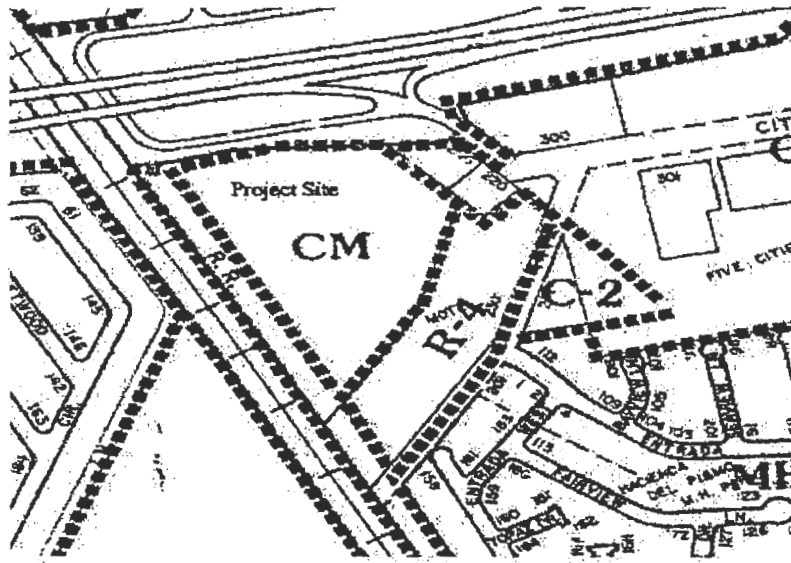
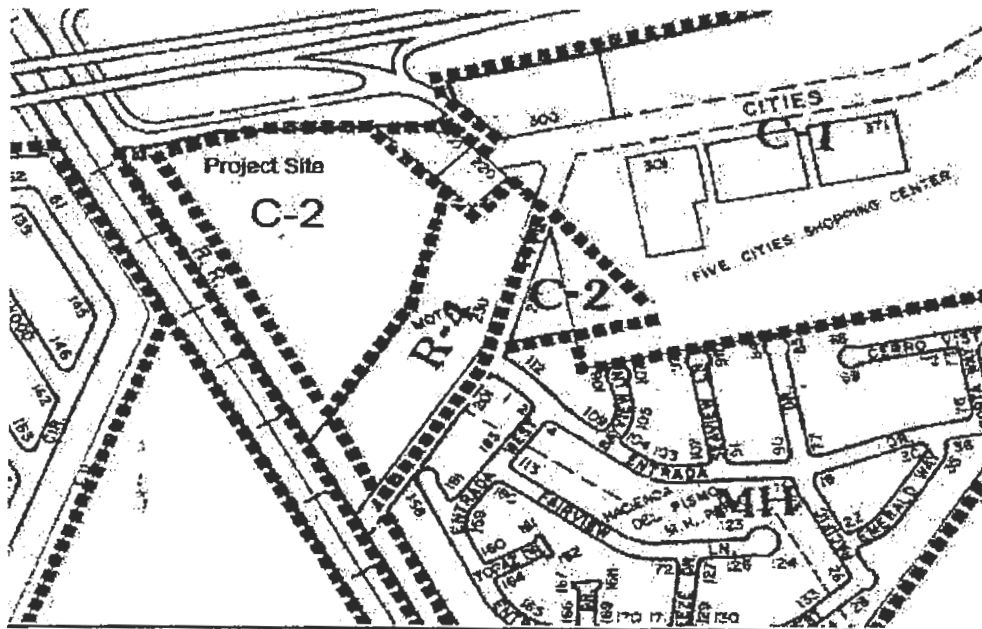


Figure 2. Proposed Change To C-2 Zoning



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Exhibit C: City Council Ordinance

Ordinance No. 2007 -006

**AN ORDINANCE OF THE CITY OF PISMO BEACH
AMENDING THE 1983 ZONING MAP AND LOCAL COASTAL
PROGRAM CHANGING THE LAND USE FOR THE PROPERTY LOCATED
AT 100 FIVE CITIES DRIVE FROM CM (COMMERCIAL MANUFACTURING)
TO C-2 (GENERAL COMMERCIAL). APN: 005-242-033**

The City Council of the City of Pismo Beach does hereby ordain as follows:

WHEREAS, Bill Kendall ("Applicant") initiated ordinance amendments to the 1983 Zoning Map and to the Local Coastal Program for a change in land use for the property located at 100 Five Cities Drive from CM to C-2; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on April 10, 2007, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council held a duly-noticed public hearing on December 6, 2005, at which all interested persons were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pismo Beach as follows:

Section 1. FINDINGS

1. The project consists of an ordinance amendment and Local Coastal Program amendment changing the 1983 Zoning Map for the property located at 100 Five Cities Drive from CM (Commercial Manufacturing) to C-2 (General Commercial).
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the Zone Change.
3. The proposed amendment to the 1093 Zoning Map, for the property located at 100 Five Cities Drive, are consistent with the commercial land use designation found in the 1993 General Plan/Local Coastal Program land use map.
4. An environmental initial study was completed for the amendment and adopted by the City Council.
5. The amendments are consistent with the Coastal Act.

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Section 2. ACTION

The City Council does hereby:

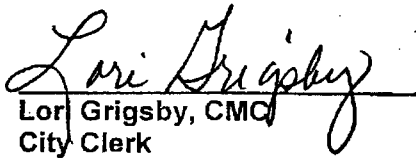
1. Certify that the amendments to the Local Coastal Program are intended to be carried out in a manner fully in compliance with Division 20 of the Public Resources Code, otherwise known as the Coastal Act.
2. Adopt the 1983 Zoning Map amendments attached as Exhibit A.
3. Direct staff to forward the amendments to the Local Coastal Program (LCP) to the California Coastal Commission for certification following approval of the second reading. The LCP amendments shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519.

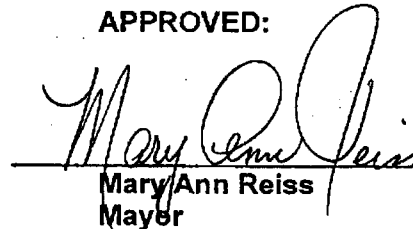
INTRODUCED at a regular meeting of the City Council held this 15th day of May, 2007, by the following vote:

**AYES: 5 Councilmembers: Rabenaldt, Vardas, Ehring,
Higginbotham, Reiss**

NOES: 0
ABSENT: 0
ABSTAIN: 0

ATTEST:

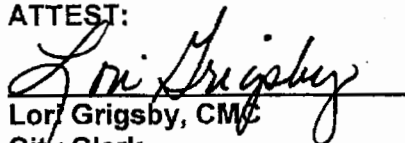

Lori Grigsby, CMC
City Clerk

APPROVED:

Mary Ann Reiss
Mayor


SECOND READING at a regular meeting of the City Council held this 5th day of June, 2007, on motion of Councilmember Vardas seconded by Mayor Pro Tem Higginbotham, and on the following roll call vote, to wit:

AYES: 5 Councilmembers: Vardas, Higginbotham, Ehring, Rabenaldt, Reiss
NOES: 0
ABSENT: 0
ABSTAIN: 0

ATTEST:


Lori Grigsby, CMC
City Clerk

APPROVED:


Mary Ann Reiss
Mayor

APPROVED AS TO FORM:


David M. Fleishman, City Attorney