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Prepared March 24, 2011 (for April 14, 2011 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Madeline Cavalieri, Coastal Planner

Subject: City of Pismo Beach LCP Major Amendment Number 1-10 Part 1 (Open Space Landscaping). Proposed major amendment to the City of Pismo Beach certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's April 14, 2011 meeting to take place at the Santa Barbara Board of Supervisors' Chambers at 105 East Anapamu Street in Santa Barbara.

Summary

The City of Pismo Beach is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) to allow landscaping to extend outside of allowed building envelopes for development in a ¾-mile long, narrow strip of land between Highway 101 and Shell Beach Road. This strip of land is significant in terms of visual resources because it is in the foreground of significant public views from Highway 101 and it is adjacent to Shell Beach Road, both of which the LCP designates as scenic corridors, and because the open space character of the affected planning areas is specifically protected by the LCP. Highway 101 is an especially important scenic corridor, given its blue-water ocean views over the strip and residential development seaward of the Highway at this location. Over time, the open space area has been visually degraded due to weeds that have moved into much of the undeveloped area outside of the allowed development envelopes, and therefore although the corridor and its open space character are specifically protected for their scenic resources, it has become increasingly unattractive to the detriment of these protected public viewshed resources.

The proposed LCP amendment is intended to enhance the public viewshed by allowing property owners to install landscaping outside of the allowed development envelopes in this strip area, as long as the landscaping is designed to blend with the open space character of the area and to not block important Highway 101 views. Although the intention of the amendment is consistent with the LCP, given the LCP's specific attention to protecting the scenic views and visual resources in this area, the amendment lacks implementation clarity to ensure it functions as intended, and so that the amended LCP doesn't inadvertently lead to viewshed problems in this area. Therefore, staff is recommending several suggested modifications necessary to ensure the amendment would not in any way lead to adverse public viewshed impacts. These modifications add restrictions on landscaping to ensure ocean views are clearly protected, require landscaping to be native and coordinated with adjacent landscaping to promote open space values, and prohibit hardscaping, thus ensuring that the amendment is consistent with the LUP policies protecting the open space character and scenic views in this area. Staff is also recommending two additional modifications to remove a cross-reference to a municipal code irrigation efficiency section that is not part of the LCP (and replace it with irrigation efficiency standards), and to



clarify that allowable excess coverage in this area is specific to landscaping only. **As such, staff recommends that the Commission approve the modified LCP amendment.** The necessary motions and resolutions can be found on pages 2 and 3 below.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on November 30, 2010. It is an IP amendment only and the original 60-day action deadline was January 29, 2011. On January 14, 2011, the Commission extended the action deadline by one year to January 29, 2012. Thus, the Commission has until January 29, 2012 to take a final action on this LCP amendment.

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I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

1. Denial of Implementation Plan Major Amendment Number 1-10 Part 1 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment 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 (1 of 2). I move that the Commission **reject** Implementation Plan Major Amendment



Number 1-10 Part 1 as submitted by the City of Pismo Beach. I recommend a yes vote.

Resolution to Deny. The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 1-10 Part 1 as submitted by the City of Pismo Beach and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment Number 1-10 Part 1 if Modified
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications 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 (2 of 2). I move that the Commission **certify** Implementation Plan Major Amendment Number 1-10 Part 1 if it is modified as suggested in this staff report. I recommend a yes vote.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Implementation Plan Major Amendment Number 1-10 Part 1 to the City of Pismo Beach Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with 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 plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If the City of Pismo Beach accepts each of the suggested modifications within six months of Commission action (i.e., by October 14, 2011), by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Unless noted otherwise, text in ~~cross-out~~ format denotes text to be deleted and



text in underline format denotes text to be added.

1. Protect Ocean Views. Modify Section 17.051.030.B.1.a(4) of the Implementation Plan as follows:

(4) ~~The~~ All landscaping shall be designed and permanently maintained such that it does not extend up into the view corridor of Highway 101 nor in any way obstruct blue water views from Highway 101 to the ocean or views from Shell Beach Road to the hills east of Highway 101.

2. Protect Ocean Views. Modify Section 17.051.030.B.6 as follows [City proposed amendment changes are shown in strikeout and underline, and Coastal Commission suggested modification is shown in double underline]:

6. All landscape and irrigation plans shall be reviewed and approved by the ~~city parks, recreation and beautification committee~~ Planning Commission prior to the issuance of building permits. In addition to all other applicable landscaping requirements, the applicant shall utilize drought tolerant plants native to the central coast to the maximum extent feasible, and shall use species which at maturity will not impair views of the ocean as established pursuant to subsection (2) above. All landscaping shall be designed and permanently maintained such that it does not extend up into the view corridor of Highway 101 nor in any way obstruct blue water views from Highway 101 to the ocean or views from Shell Beach Road to the hills east of Highway 101. Future changes to the landscaping on site shall conform to this section and shall be reviewed and approved in advance of planting by the community development director.

3. Require Native and Drought-Tolerant Landscaping. Renumber Section 17.051.030.B.1.a(5) to 17.051.030.B.1.a(7), and add new subsection (5) to Section 17.051.030.B.1.a of the Implementation Plan as follows:

(5) All landscaping shall be drought tolerant and native to the central coast, and shall be designed to integrate effectively with landscaping on adjacent properties in such a way as to promote a coherent open space aesthetic across properties.

4. Prohibit Hardscapes. Add new subsection 17.051.030.B.1.a(6) of the Implementation Plan as follows:

(6) All hardscaping, including any patios or paving, and structures, such as gazebos or other accessory buildings, are strictly prohibited in landscaping areas.

5. Delete Cross-Reference to Chapter 15.48 of the Municipal Code. Modify Section 17.051.030.B.1.a(3) of the Implementation Plan as follows:

(3) ~~The landscape plan shall be designed consistent with the requirements of Chapter 15.48 of the Pismo Beach Municipal Code.~~ Landscaping shall be water-efficient to the maximum extent feasible.

6. Clarify Zone Clearance Requirement. Modify Section 17.051.030.B.1.a(5) of the Implementation



Plan as follows:

(5) Any application proposing an exception to the site coverage limitation of the Open Space landscaping requirements, through the Zone Clearance process, shall be noticed at least ten (10) calendar days prior to the City's decision on the application...

III. Findings and Declarations

The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

There is a narrow strip of land between Shell Beach Road and Highway 101 within the LCP's Sunset Palisades and South Palisades planning areas at the northern entrance to the City of Pismo Beach. This open space area is approximately $\frac{3}{4}$ -mile long and the City indicates that it contains fifteen lots (see Exhibit B). Highway 101 is located inland of the strip at a higher elevation, and Shell Beach Road is located just seaward of it and parallel to the highway. From Highway 101, the open space area slopes down steeply to Shell Beach Road, and then the landform slopes more gradually, mostly occupied by residential development extending on the marine terrace to the west. From Highway 101, there are significant public blue water views over the top of this area, including the residential and other development currently present. This stretch of highway provides the only ocean view for travelers on Highway 101 between the Golden Gate Bridge and Gaviota, a distance of over 300 miles, and is the first ocean view that travelers encounter upon reaching the coast southbound on Highway 101. The LCP protects views from Highway 101 here as a matter of great LCP importance, and specifically designates the Highway 101 and Shell Beach Road corridors framing the strip of land as protected scenic corridors.

The strip of land in question is designated as open space in the LUP. However, some development is allowed in this area, including that single-family residences may be approved if the property owner can show that there is no other economically feasible use of the property. Any development in the open space area is, however, strictly limited to a building envelope of 5,000 square feet or 60% of the gross site area, whichever is smaller. The LCP requires that all aspects of development, including landscaping, be confined to the building envelope. As a result of this limitation, areas outside of such envelopes (and vacant lots in this strip of land in general) have been overcome with weeds to the detriment of the public viewshed.

The proposed amendment would modify the LCP to allow landscaping outside of the building envelope to help reduce visual impacts, with certain restrictions. Proposed Section 17.05.030.B.1.a requires the landscaping to be water efficient, and it also prohibits the landscaping from extending into the view corridor of Highway 101. The amendment is structured so that the LCP would have separate restrictions on the landscaping allowed outside of the building envelope as distinct from restrictions on development and landscaping allowed inside the building envelope. Landscaping inside the residential development is



restricted pursuant to Subsection 17.05.030.B.6, which requires all landscaping to use native, drought tolerant plants to the maximum extent feasible, and requires the use of species which at maturity will not impair views of the ocean from Highway 101.

See Exhibit A for text of the proposed amendment, and Exhibit B for a map of the affected area.

B. LUP Consistency Analysis

1. Standard of Review

The standard of review for proposed modifications to the City's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the City's IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance, including sometimes on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LCP LUP.

2. Applicable Policies

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the LUP. The proposed amendment raises issues related to visual resources and landscaping. The LUP includes numerous policies related to landscaping and protecting ocean views, including in the area affected by the proposed amendment, and it designates both Highway 101 and Shell Beach Road as scenic highways. Relevant LUP policies are as follows:

Landscaping Policy D-17 (Native and Drought Tolerant Landscaping). *Native and drought tolerant landscaping with drip irrigation shall be required within all new and rehabilitated development requiring discretionary approval in conformance to city water conservation policies.*

Landscaping Policy D-19 (Special Landscape Areas). *A number of areas in the city lend themselves to special street tree treatment or themes. These include: ...b. Shell Beach Road connects many of the city's neighborhoods and is an important visual spine. The heavy use of Monterey cypress trees has already created a distinctive corridor. Care should be taken in the street tree program to not block views of the ocean.*

Landscaping Policy D-23 (U.S. 101 Freeway). *The U.S. 101 Freeway, also known as El Camino Real, is hereby designated as a Pismo Beach scenic highway. The portion of this highway within Pismo Beach provides travelers with the only ocean view between the Golden Gate Bridge (San Francisco) and Gaviota, a distance of over 300 miles. The scenic views include the City and ocean on one side and the Pismo Foothills on the other. To implement this policy the City shall: ...c. Require design review of all projects within 200 feet of the edge of the CALTRANS right-of-*



way for their visual qualities as seen from the road; d. Require that new commercial signs, soundwalls and other new developments be modified in height, size, location or design so that existing “bluewater” ocean views from U.S. Highway 101 will not be blocked, reduced or degraded...; e. Review proposals for new landscaping within or along the highway right-of-way to insure that these ocean and hillside views will not be blocked by the proposed plantings...

Landscaping Policy D-26 (Shell Beach Road). Shell Beach Road is hereby designated as a Pismo Beach Scenic Highway. Shell Beach Road is the scenic road that ties together much of Pismo Beach. Its character is derived from the views of the ocean on one side and the foothills on the other. To implement this policy the City shall: a. Conduct a special design study of this corridor; b. Require design review for development on all properties abutting the road right-of-way.

The Land Use Element of the LUP includes policies specific to the two planning areas that are affected by the proposed amendment: Sunset Palisades (which includes the northern half of the affected area) and South Palisades (which includes the southern half of the affected area). These policies emphasize maintaining coastal views and open space.

LUP Policy LU-A-6 (Sunset Palisades Concept). Sunset Palisades, an area of existing homes with scattered vacant lots, shall be designated for Low Density Residential. The emphasis is on maintaining coastal views, open space and protecting the coastal bluffs and intertidal habitat area. Infill development shall be compatible with the existing community.

LUP Policy LU-A-8 (Sunset Palisades Open Space). The area between Shell Beach Road and the 101 Freeway shall remain in permanent open space. No further land divisions shall be approved in this area. Density transfers, public acquisition or other methods shall be utilized to achieve the open space goal. Properties for density transfer need not be in the same ownership. Density transfer on a 3:1 basis may be allowed to any location in the city. Any development that may be approved on-site shall be required to maintain the open space character. The amount of site area that may be developed with improvements shall not exceed 5,000 square feet or 60% of gross site area, whichever is lesser.

LUP Policy LU-B-1 (South Palisades Concept). ...The entire area shall be considered as one neighborhood with an emphasis on open space and scenic corridors...

LUP Policy LU-B-2 (South Palisades Open Space). The area between Shell Beach Road and the 101 Freeway shall be retained as permanent open space. No further land division shall be approved in this area. Density transfers, public acquisition or other methods shall be used to achieve the open space goal. Properties for density transfer need not be in the same ownership. Where properties on both sides of Shell Beach Road are owned by the same owner, no development shall be allowed between Shell Beach Road and the 101 Freeway. Where a structure already exists within the open space area, it will be permitted to [remain] until the parcel in the same ownership is developed. At that time, the building shall be either moved out of



the open space or demolished. Density transfer on a 3:1 basis may be allowed. Any development that may be approved on-site shall be required to maintain the open space character. The amount of site area that may be developed with improvements shall not exceed 5,000 sq. ft. or 60% of gross site area, whichever is lesser.

LUP Policy LU-B-5 (South Palisades Visual Access). *Development of the South Palisades area shall protect visual access to the ocean and to dominant coastal landforms. Specifically, the size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101 ...*

3. Analysis

Although designated for open space, the strip area between Highway One and Shell Beach Road is partially developed. This is partly due to pre-LCP development, and partly due to the way this area is designated in the LCP and has been understood in the planning and regulatory context. Although the northern section of the open space strip area between Highway One and Shell Beach Road is designated in the LUP as open space and is zoned for open space in the IP, the southern portion is also designated as open space but zoned planned residential.¹ The area zoned planned residential is also subject to the LCP's Transfer Density Overlay Zone (TDR) (IP Section 17.093). The purpose of this overlay zone is to preserve sensitive scenic resources and open space areas in the City, and the IP depicts a density transfer scenario for the lots in this area that cross over Shell Beach Road.² Currently, three of the lots in the area have been dedicated to the public and are held by the City, as envisioned by the TDR overlay zoning designation. In addition, the City has required one lot to be dedicated as open space as a condition of approval for a residential development, and two additional lots have the potential to be dedicated in this way when development occurs on the portion of the lots seaward of Shell Beach Road.

Thus, the LCP provides direction and a policy framework that envisions this area functioning as an open space and public recreational area, and the development potential otherwise is relatively low. The LCP strictly prohibits future subdivisions in the area, and development (except for the proposed additional landscaping) is prohibited outside of the building envelope. Of the fifteen total lots identified by the City, eleven are currently in private ownership and four are owned by the City. Two of the City lots are developed with public recreational facilities, and two are vacant. Of the eleven private lots, one is developed with an existing hotel parking lot, seven are developed with residences (that could potentially be redeveloped in the future), one of which is required to be removed and the property dedicated to the City as part of an approved project on the seaward side of Shell Beach Road, and three are currently

¹ This discrepancy between the land use designation of the LUP and the zoning district of the IP developed because when the LCP was comprehensively updated by the City in the 1990s, the LUP portion was certified by the CCC, but the IP portion was not certified because the City did not accept the CCC's suggested modifications. Therefore, the certified LUP is from 1993, but the certified IP is from 1983.

² For these lots, the IP provides for the portion of the lot between Shell Beach Road and Highway 101 to be dedicated as open space, and the portion of the lot seaward of Shell Beach Road to be developed with increased density transferred from the open space portion of the lot (see Exhibit D).



vacant but residential development could potentially be pursued. Thus, only three of the fifteen lots could be the subject of private proposals for brand new development in the future (see Exhibits B and C).

A. Visual Resources

As described above, the open space area affected by the proposed amendment is part of a significant visual resource area. The LCP specifically identifies these resources and provides special protections for them. Both Highway 101 and Shell Beach Road are designated in the LCP as scenic highways and are afforded special protections: LCP Policy D-23 requires design review for new development along Highway 101 and prohibits new development along the highway from obstructing ocean or hillside views; LCP Policy D-26 requires design review for new projects along Shell Beach Road and states that the character of the road is derived from the ocean views to the west and views of hillsides to the east. LCP Policy D-19 also protects the visual character of Shell Beach Road and states that it "...connects many of the City's neighborhoods and is an important visual spine..." Policies in the Land Use Element of the LCP further describe the unique visual character of this open space area. LCP Policies LU-A-6, LU-B-1 and LU-B-5 place an emphasis on open space and scenic corridors and protect views in the Sunset Palisades and the South Palisades planning areas, including views from the highway to the ocean. LCP Policies LU-A-8 and LU-B-2 specifically limit the allowed development in the open space area. They state that the area shall remain in permanent open space; that no future land divisions shall be approved; that density transfers are appropriate to achieve the open space goal; that any development allowed shall maintain the open space character, and finally, that the site area that can be developed with improvements shall not exceed 5,000 square feet or 60% of the gross site area, whichever is less.

The LCP's prohibition on development outside of the building envelope has, over time, led to visual impacts from weeds that have moved into much of the undeveloped open space area. Although well intentioned, this prohibition was not accompanied by companion measures to ensure that the undeveloped area was planted and maintained with native species appropriate for open space areas. As a result, although this area is part of the view from a scenic highway that serves as the primary entrance to the City, and it is specifically identified and protected in the LCP, the open space character of the area and the viewshed of which it is a part have been degraded. The City's proposed amendment is intended to address this issue and enhance the visual characteristics of the open space area by allowing property owners to replace weedy areas with landscaped areas outside of the building envelope.

Although the proposed amendment is intended to enhance the visual character of this area, given the LCP's specific attention to, and strong protections of, the views and visual resources here, special attention to the details of how additional landscaping would be allowed are necessary. First, although the proposed amendment requires any landscaping outside of the building envelope to be maintained so that it would not extend into the view corridor of Highway 101, this language may not be sufficient to protect ocean views as required by the above-mentioned LUP policies. Instead, the language must clearly specify that landscaping must be both maintained over time, and initially designed in the landscaping plans, to not interrupt the Highway 101 view corridor. It must be clear when any such



development is contemplated that landscaping will not at any time block views, and CDP actions need to include enforceable provisions to ensure this is the case, including requiring trimming of plant materials that might over time enter into the view. In addition, because the proposed language does not specifically address blue-water ocean views, it may lead to landscaping that would obstruct views from the highway to the ocean. Therefore, Suggested Modifications 1 and 2 provide clearer restrictions on landscaping to require it to be designed and permanently maintained to not obstruct blue-water views to the ocean.

In addition, although there are currently restrictions that prohibit development inside of the building envelope from obstructing views, and the LCP includes a reference to landscaping inside of the building envelope meeting this test as well (i.e., the reference in Section 17.051.030.B.6 to Section 17.051.030.B.2), there is some ambiguity in the LCP text on this point, including because references to views relative to landscaping and structures are slightly different. Therefore, although it would be an incorrect reading of the LCP, there is a potential for an argument to be made that landscaping inside of the building envelope could obstruct views, inconsistent with the LCP. Thus, Suggested Modification 2 also makes more explicit the LCP requirement that landscaping inside, as well as outside, the development envelope must be designed and permanently maintained so that it does not interrupt the Highway 1 view corridor, and so that it does not obstruct ocean or hillside views.

The proposed amendment does not specify that landscaping outside of the building envelope must be native and drought tolerant. Such a requirement is necessary to comply with LUP Policy D-17, requiring native vegetation to be used in all projects that need discretionary approval, and to achieve the open space character that is described in, and protected by, the LCP. In addition, this requirement will ensure that there is a uniform look and feel to the area, as required by LCP policies that designate this as a scenic corridor and protect the open space character of the area. And Suggested Modification 2 also specifically requires landscaping to integrate effectively with landscaping on adjacent properties in such a way as to promote a coherent open space aesthetic across properties for this same reason. The LCP's intent is that although some development exists and some could be pursued in the future, this area is meant to look and feel as open space, and thus landscaping, including landscaping coordination along the entire strip and on adjacent properties, can help the open space area to be perceived as a coherent open space area in the significant public viewshed. Therefore, Suggested Modification 3 is a strict requirement to use only plants that are native to the central coast (similar to existing LCP standards for native plant requirements), and to ensure that landscaping is coordinated throughout the strip.

Finally, although the proposed amendment is intended only to allow landscaping outside of the building envelope, the Commission is aware that the allowance for landscaping may lead some applicants to propose installation of patios, gazebos, or other types of hardscaping as landscaping, which would conflict with the open space character of the area, inconsistent with the LCP. Although the Commission does not believe that to be the intent of the LCP nor the LCP amendment, in order to avoid any future misunderstanding or potential for misinterpretation on this point, Suggested Modification 4 strictly prohibits any hardscape outside of the allowed building envelope.



The Commission finds that, as modified, the amendment adequately carries out the visual resources policies of the LUP.

B. Other Issues

The proposed amendment includes a cross-reference to City Municipal Code Section 15.48 that details the requirements for water-efficient landscaping. This code section is not currently part of the LCP, and the City does not intend to incorporate it into the LCP by reference. Section 15.48 details the technical requirements for how water-efficient landscaping and irrigation must be installed, including as required by the State Water Resources Control Board. Although water-efficient landscaping is an important requirement that protects water quality and conserves water supply, the level of detail provided in this section does not need to be included in the City's IP to carry out the requirements of the LUP. Because Section 15.48 is not necessary to carry out the LUP, and because the City does not intend for it to be incorporated into the LCP by reference, Suggested Modification 4 removes the cross-reference and replaces it with broader language requiring water-efficient landscaping to the maximum extent feasible. This language ensures that water quality is protected and water supply is conserved for landscaping in this open space strip area, as required by the LUP. And, if future knowledge or technology allows for enhanced water-efficient landscaping, then the suggested modification's requirement for water-efficiency "to the maximum extent feasible" will ensure that the most effective measures are used. See Suggested Modification 5.

Finally, as proposed, Section 17.051.030.B.1.a(5) is not entirely clear, because it could be construed as allowing for exceptions to the open space landscaping requirements such as the requirement for water-efficient landscaping or to maintain landscaping so that it does not extend up into the view corridor of Highway 101. City staff has indicated that the intent of the section is to describe the process for applying for landscaping in excess of the building envelope limitation, not for an exception to the open space landscaping requirements. Therefore, Suggested Modification 6 makes a small change to the language to clarify this point so that it is explicit.

4. Conclusion

The City's proposed amendment is intended to enhance the open space character within an important scenic corridor by allowing additional landscaping. In general, the proposed LCP text provides a framework for enhancing the public viewshed in this way. However, certain aspects of the proposed text do not provide adequate specificity and direction to ensure that this public viewshed is adequately protected and enhanced over time. Given the significance of the views in question, and given the LCP's specific attention to this important scenic visual corridor and open space area, it is necessary to include explicit restrictions and parameters on landscaping in the area. With the suggested modifications, described above, the amendment will ensure open space character is enhanced and protected as required by the LCP, and that no inappropriate development will be allowed outside of the allowed building envelope. Over time, the Commission expects that LCP implementation will ensure that the area is perceived more as an open space area within which limited development exists as opposed to a



development area ringed by weeds. Effective use of the LCP landscaping policies in question in tandem with complementary LCP policies (including the density transfer and easement program, strict limitations to ensure allowed development is subservient to, and does not obstruct, the public viewshed, etc.) will help achieve that goal, and will help to ensure that this primary public view corridor is appropriately enhanced, over time. Therefore, the Commission finds that, as modified, the IP amendment is consistent with the requirements of the LUP.

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. 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.

The City, acting as lead agency, found the proposed IP amendment to be categorically exempt from further environmental review under Section 15061(b)(3) of the State CEQA Guidelines.

This report has discussed the relevant coastal resource issues with the proposal, and has identified appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. 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 or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, 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).



ORDINANCE NO. O-2010-004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING THE 1983 ZONING CODE TO ALLOW FOR AN INCREASE IN URBAN
LANDSCAPING FOR CERTAIN OPEN SPACE PROPERTIES BY AMENDING TITLE
17 , CHAPTERS 17.051: SECTIONS 17.051.030(B)(1) AND 17.051.030(B)(6) AND
CHAPTER 17.121: SECTION 17.121.100, OF THE CITY OF PISMO BEACH
MUNICIPAL CODE.**

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

WHEREAS, the City Council (Applicant) initiated ordinance amendments to the 1983 Zoning Code and to the Local Coastal Program to allow for an increase in urban landscaping for certain Open Space properties located between Shell Beach Road and Highway 101 in the Sunset Palisades and South Palisades Planning areas; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on January 12, 2010, at which all interested persons were given opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution No. PC-R-2010-0002 recommending approval of the proposed amendments to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on March 16, 2010, 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 amendments are exempt from the analysis required by the State of California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) in that it can be seen with certainty that the proposed text amendments do not have the potential to significantly impact the environment.
2. The project consists of an Ordinance amendment and Local Coastal Program amendment amending the following sections of the 1983 Zoning Code: 17.051.030(B)(1), 17.051.030(B)(6) and 17.121.100.
3. The proposed amendments are consistent with the Open Space Land Use designation found in the 1993 General Plan/Local Coastal Program land use element.
4. The Amendments are consistent with the California Coastal Act.

Section 2

The amendment of the Local Coastal Program and Municipal Code Title 17: Zoning (1983), Chapter 17.051: Open Space-Natural Resources Protection (OS-1) Zone, sections 17.051.030(B)(1) and 17.051.030(B)(6) are hereby amended as follows:

17.051.030 Alternative residential use for property with demonstrated economic feasibility problems.

A. ...

B. The minimum development standards for any such residence shall be:

1. No more than sixty percent, or five thousand s.f. of the lot or parcel, whichever is the least, shall be utilized for residential uses including buildings, parking, landscaping, gardening, outdoor living and other uses **subject to the following exception:**

a. Landscaping, in excess of the site coverage limitation, may be permitted for all Open Space properties located on the narrow strip of land between Shell Beach Road and Highway 101 (within the Sunset Palisades and South Palisades Planning Areas) subject to the follow requirements:

(1) For properties where residences currently exist the owner shall be required to obtain approval of a Zone Clearance for any landscaping improvements that are proposed to extend beyond the site coverage limitation.

(2) A request for a landscaping square footage exception may also be applied for as part of the Conditional Use Permit (CUP) application for new single family residences in this area.

(3) The landscape plan shall be designed consistent with the requirements of Chapter 15.48 of the Pismo Beach Municipal Code.

(4) The landscaping shall be maintained such that is does not extend up into the view corridor of Highway 101.

(5) Any application proposing an exception to the Open Space landscaping requirements, thru the Zone Clearance process, shall be noticed at least ten (10) calendar days prior to the City's decision on the application. Notification materials shall be submitted to the City, which include the following:

(a) One (1) set of mailing labels with First and Last names and addresses of property owners with Assessor's Parcel Numbers (APN's), for all property within 300 feet of the subject site.

(b) One (1) set of mailing labels made out to Occupant, with Assessor's Parcel Numbers (APN's) for all property within 300 feet of the subject site.

PSB-1-10 Part 1 (Open Space Landscaping)
Exhibit A

2. The height of any structure shall not exceed fifteen feet above natural grade and no portion of any structure shall obscure the view of the ocean downward from the level of the freeway sight position as defined in Section 17.096.020 of the zoning ordinance. The applicant shall submit, with the application for a conditional use permit, a visual analysis of the proposed project from the vantage point of the freeway sight position. This analysis shall depict the effects of the proposed project on the ocean viewshed as seen from designated Scenic Highway 101. Using the freeway sight position as the viewing point, the analysis shall draw a plane downward over the project site toward the ocean and shall include the entire ocean view.

The survey shall include a cross section and elevation of the property and proposed structures viewing the proposal from Highway 101. If the analysis demonstrates that any of the existing ocean view is obstructed, but the city finds that the lot would be unbuildable with the application of these standards, then the city may approve a project which minimizes the ocean view obstruction, consistent with this section.

3. Unit size shall not exceed sixty percent of the lot's area square footage, or two thousand square feet, whichever is smaller.

4. A permanent open space easement shall be recorded over any portion of the development not occupied by a structure or driveway or the residential living area of B(1) above.

5. Subject to architectural review and approval with particular attention to amelioration of structural features which adversely impact the areas and resources described in Section 17.051.020 above.

6. All landscape and irrigation plans shall be reviewed and approved by the ~~city parks, recreation and beautification committee~~ **Planning Commission** prior to the issuance of building permits. In addition to all other applicable landscaping requirements, the applicant shall utilize drought tolerant plants native to the central coast to the maximum extent feasible, and shall use species which at maturity will not impair views of the ocean as established pursuant to subsection (2) above. Future changes to the landscaping on site shall conform to this section and shall be reviewed and approved in advance of planting by the community development director.

C. ...

Section 3

The amendment of the Local Coastal Program and Municipal Code Title 17: Zoning Ordinance (1983), Chapter 17.121: Applications, Permits, Procedures and Appeals, section 17.121.100 is hereby amended as follows:

17.121.100 Zone Clearances.

Zoning clearances shall be required for any permitted and conforming buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any R-1 or R-2 district established by this Title. Said zoning clearances shall be issued by the public services department prior to the issuance of a building permit. Zoning clearances may only be issued for those uses in the R-1 and R-2 zones which do not require planning commission or architectural review **and for landscaping site coverage exceptions for those Open Space properties located between Shell Beach Road and Highway 101 within the Sunset Palisades and South Palisades Planning areas.** The public services department may impose such conditions to the zoning clearance as are deemed necessary to secure the purposes of this Title.

Section 3.

THE CITY COUNCIL DOES HEREBY:

1. Approve the above referenced amendments.
2. 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.
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.

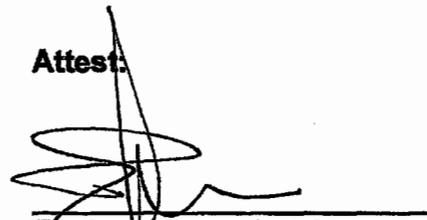
INTRODUCED at a regular meeting of the City Council held this 16th day of March, 2010, on motion of Councilmember Vardas, seconded by Councilmember Waage, and on the following roll call vote, to wit:

AYES:	3	Councilmembers:	Vardas, Waage, Higginbotham
NOES:	0		
ABSENT:	2	Councilmembers:	Ehring, Reiss
ABSTAIN:	0		

Approved:


Shelly Higginbotham
Mayor Pro Tem

Attest:

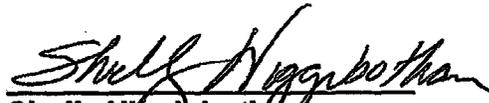

Emily Colborn, MMC
City Clerk

SECOND READING at a regular meeting of the City Council held this 6th day of April, 2010, on motion of Councilmember Waage, seconded by Councilmember Vardas, and on the following roll call vote, to wit:

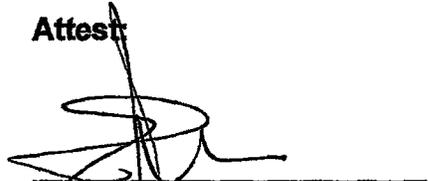
AYES:	3	Councilmembers: Waage, Vardas, Higginbotham
NOES:	0	
ABSENT:	1	Mayor Reiss
ABSTAIN:	1	Councilmember Ehring

Approved:

Attest:



Shelly Higginbotham
Mayor Pro Tem



Emily Colborn, MMC
City Clerk

APPROVED AS TO FORM:



David M. Fleishman, City Attorney



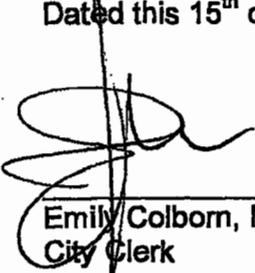
From the Office of the City Clerk

760 Mattie Road
Pismo Beach, CA 93449
(805) 773-4657
(805) 773-7006 Fax

STATE OF CALIFORNIA }
 }
COUNTY OF SAN LUIS OBISPO} SS

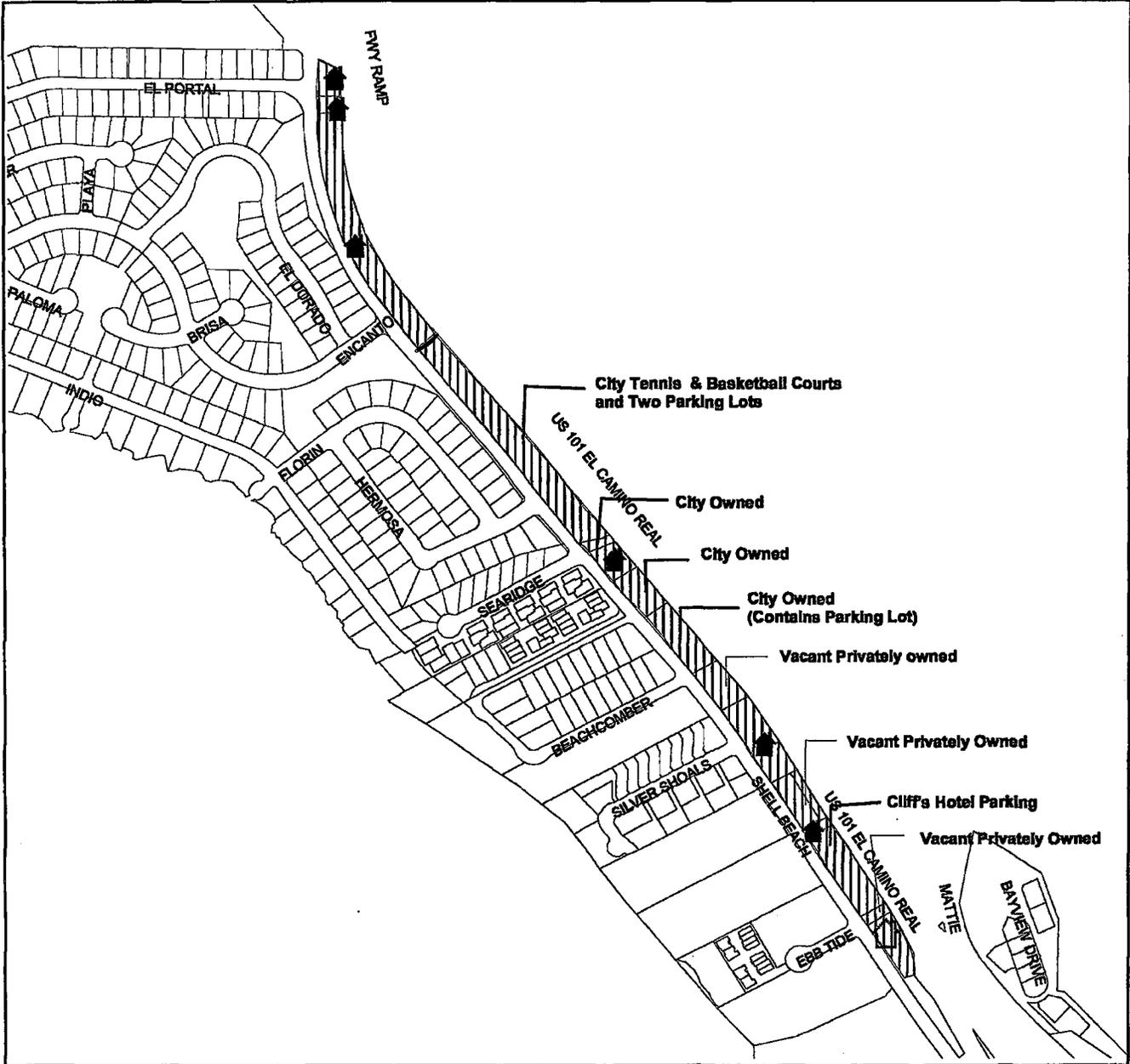
I, Emily Colborn, the City Clerk of the City of Pismo Beach, California, do hereby certify that the attached is a true and correct copy of **Ordinance No. O-2010-004** and was duly posted in three public places within the City within 15 days of adoption thereof, pursuant to the requirements of Government Code Section 40806.

Dated this 15th day of April 2010.



Emily Colborn, MMC
City Clerk

Properties Impacted by the Proposed LUP Amendment



Open Space properties affected by the landscaping policy amendments



Lots that contain existing single family residences



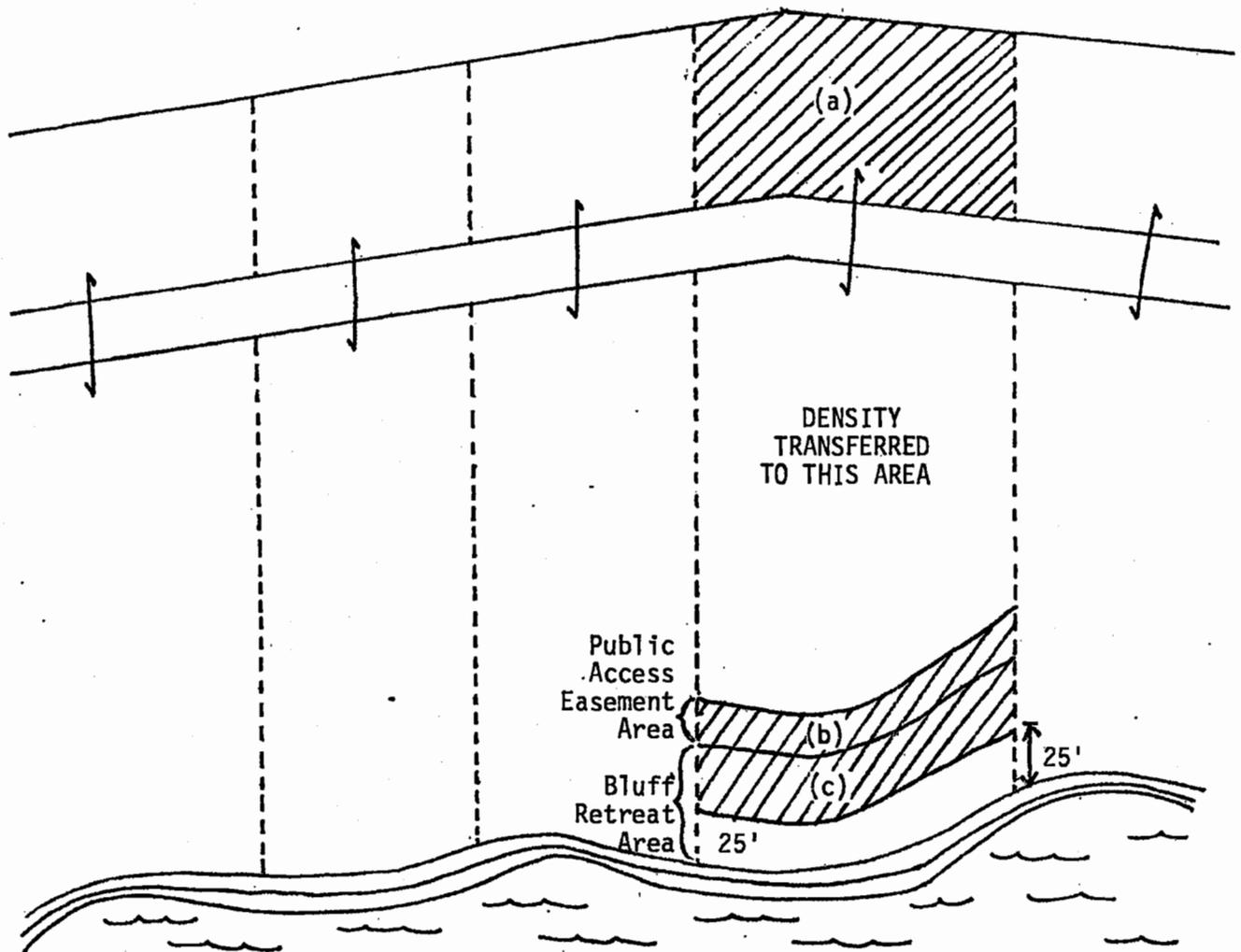
The existing residence is required to be demolished and the lot dedicated to the City as part of the future development of approved Tract 2427 (Sunset Beach Estates) (Future public parking lot and tennis court).



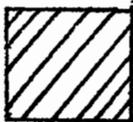
Pismo Beach LUP Landscape Amendment Property Table

Address	APN	Ownership	Parcel Size	Development
4000 Shell Beach	010-183-007	Private	11,000 sq. ft.	House
3998 Shell Beach	010-183-008	Private	6,500 sq. ft.	House
3990 Shell Beach	010-154-037	Private	2.1 acres	House
None	010-551-049	City	2.45 acres	Tennis ct, basketball ct, 2 parking lots
None	010-141-041	City	4,501 sq. ft.	Vacant
2928 Shell Beach	010-141-071	Private	15,200 sq. ft.	House
None	010-141-044	City	20,123 sq. ft.	Vacant
None	010-144-023	City	32,021 sq. ft.	Beach Access Parking lot
3000 Shell Beach	010-144-025	Private	21,241 sq. ft.	Vacant
2920 Shell Beach	010-152-033	Private	40,392 sq. ft.	House
2900 Shell Beach	010-152-003 &014	Private	25,225 sq. ft.	Vacant
2850 Shell Beach	010-152-035	Private	4,585 sq. ft.	House
None	010-152-026	Private	42,403 sq. ft.	Cliff's Hotel Parking Lot
None	010-143-014	Private	4,616 sq. ft.	Vacant
* 2758 Shell Beach	010-041-043	Private	10,124 sq. ft.	House

* Property will be dedicated to public as part of an approved project across the street. Existing house will be removed and replaced with a beach access parking lot and possibly a tennis court.



Example only: The amount of units which could have been built in the dedicated areas, now can be transferred to another site.



Dedicated Open Space Areas
Eligible for Density Transfer:

- (a) Noise & Hazard Sensitive Area
- (b) Public Access Easement Area
- (c) Bluff Retreat Area Beyond First 25 feet