

CALIFORNIA COASTAL COMMISSION

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Prepared April 24, 2014 (for May 15, 2014 Hearing)

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, Central Coast District Manager
Aiden Campbell, Coastal Planner

**Subject: Certification Review for the City of Pismo Beach's Local Coastal Program
Amendment Number LCP 3-PSB-13-0225-2 (Update to Planning Areas A and B).**

On February 13, 2014 the Coastal Commission approved City of Pismo Beach's Local Coastal Program (LCP) Major Amendment Number LCP 3-PSB-13-0225-2. This amendment updates the background information for the two planning areas to reflect the development that has occurred since the LUP was certified in 1993, and makes minor modifications to requirements for shoreline access within the planning areas. The amendment also modifies requirements in the LCP's Implementation Plan (IP) related to Specific Plans in Planned Residential zones.

By action taken April 2, 2014, the City of Pismo Beach adopted the amending LCP text (see Exhibit 1). The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., May 15, 2014), and notification of this certification and Commission concurrence will be forwarded to the City.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Pismo Beach to accept the Commission's approval of LCP Amendment Number LCP 3-PSB-13-0225-2 are legally adequate. I recommend a yes vote.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Pismo Beach LCP consistent with the Commission's approval of LCP Amendment Number LCP 3-PSB-13-0225-2; the amended LCP will be certified as of today's date (i.e., May 15, 2014). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: City's Acceptance of the Coastal Commission's Approval

RESOLUTION R-2014-029

A RESOLUTION OF THE CITY OF PISMO BEACH CITY COUNCIL ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION OF LOCAL COASTAL PLAN AMENDMENT NO. LCP 3-PSB-13-0225-2, WITH CHANGES TO LAND USE ELEMENT POLICIES LU-A-11 AND LU-B-4.

WHEREAS, on April 2, 2013, the City Council adopted Resolution 2013-031 approving amendments to General Plan/Local Coastal Plan Land Use Element language for Planning areas A and B including the Background sections for each and Policies LU-A-1, LU-A-2, LU-A-3, LU-A-6, LU-A-11, LU-A-12, LU-B-1, LU-B-3, LU-B-4, LU-B-6, and LU-B-8 and Ordinance O-2013-004 approving an amendment to the Local Coastal Land Use Program (Zoning Code) section 17.033.040 regarding requirements for specific plans in Planned Residential Zoning districts; and,

WHEREAS, the California Coastal Commission accepted the City of Pismo Beach LCP amendment application, identified the amendment as LCP 3-PSB-13-0225-2 and adopted findings pursuant to California Code of Regulations Section 13544 to certify the subject amendment contingent upon City Council acceptance of suggested modifications to Policies LU-A-11 and LU-B-4; the Commission's Executive Director reporting to and Commission concurrence that the City's actions are legally adequate; and a filing of a Notice of the LCP amendment with the Secretary of the Resource Agency; and,

WHEREAS, the City Council held a duly noticed public hearing on April 1, 2014, at which all interested persons were given the opportunity to be heard on the required changes to Policies LU-A-11 and LU-B-4 for certification of LCP amendment 3-PSB-13-0225-2.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Pismo Beach hereby accepts the California Coastal Commission's modifications to Local Coastal Plan policies LU-A-11 and LU-B-4 referenced in Resolution 2013-31, are modified to read as follows:

LU-A-11 Beach Access and Bluff Protection

The coastal tidal and sub tidal areas should be protected by limiting vertical accessways to the rocky beach and inter-tidal areas. Lateral Beach access dedication shall be required as a condition of approval of discretionary permits on ocean front parcels pursuant to Policy PR-22. No new public or private beach stairways shall be allowed. Damaged nonconforming stairways utilized for ocean emergencies, animal rescue, fire fighting access or public safety may be repaired if a hazardous condition results from the damage. Any damaged stairway will be assessed by a city inspector to determine the presence of a hazardous condition. All structures shall be set back a minimum of 25 feet from the top of the bluff in accordance with the requirements of Policy S-3. Appropriate erosion control measures shall be required for any project along the bluff-tops.

LU-B-4 Road System

A loop road system is required and will provide public access to the linear bluff-top park and visual access to the ocean. Where the loop system is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet been subdivided. The loop road system or cul-de-sac will be funded by future development and shall provide for public parking, as well as bicycle paths, which shall connect with the bluff top trail along the lateral blufftop conservation/open space and access dedication requirement noted in Policy LU-B-3. The number of public parking spaces available to serve the bluff-top park shall be maximized, and if a cul-de-sac system is planned, the number shall be no less than what would have been provided if a loop road configuration was constructed (including by providing public off-street parking, if necessary). Future development in this area shall be subject to the requirements of Design element Policy D-40.

BE IT FURTHER RESOLVED that City Council directs that all references to Policies LU-A-11 and LU-B-4 in Resolution 2013-031 be superseded by this resolution upon the California Coastal Commission's Executive Director reporting to and Commission concurrence that the City's actions are legally adequate and a filing of a Notice of the LCP amendment has been made with the Secretary of the Resource Agency.


UPON MOTION OF Mayor Pro Tem Waage, seconded by Council Member Vardas the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 1st day of April 2014, by the following vote:

AYES: 4 Council Members Waage, Vardas, Howell, Reiss, Higginbotham
NOES: 0
ABSENT: 0
RECUESD: 1 Council Member Reiss

Approved:

Attest:


Shelly Higginbotham
Mayor


Elaina Cano, CMC
City Clerk