

# CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 PHONE: (831) 427-4863  
 FAX: (831) 427-4877  
 WEB: WWW.COASTAL.CA.GOV



# F12b

**Prepared June 20, 2014 (for July 11, 2014 Hearing)**

**To:** Commissioners and Interested Persons  
**From:** Madeline Cavalieri, Central Coast District Manager  
 Kevin Kahn, Central Coast District Supervisor, LCP Planning  
**Subject:** **City of Pismo Beach LCP Amendment Number LCP-3-PSB-14-0756-1 (Open Space Development Standards)**

## **Proposed Amendment**

The City of Pismo Beach is proposing to amend its Local Coastal Program (LCP) to provide additional standards for development within areas with Open Space land use designations in Planning Areas A (The Bluffs/Sunset Palisades) and B (South Palisades). The proposed changes include additional standards to ensure that any potentially allowable development within these areas does not block blue water views from Highway 101 nor block views of the eastern hills from Shell Beach Road. Additionally, when residential development is allowed, at least 60% of the parcel must be landscaped with drought tolerant native plants so as to maintain the area's open space character. The proposed changes affect LUP Policies LU-A-8 (Open Space) and LU-B-2 (Open Space). See Exhibit A for the proposed changes.

## **Minor LCP Amendment Determination**

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

*CCR Section 13554(d)(3). Additions or revisions to certified policies which impose further conditions, restriction or limitations on any use which might adversely affect the resources of the coastal zone, if those amendments do not conflict with any policy of Chapter 3 of the Coastal Act or with any other certified land use plan policy.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on July 11, 2014).

**The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.**

The proposed amendment adds standards in the LCP's Land Use Plan to ensure that any development within portions of Planning Areas A and B that are designated as Open Space

protects public views and provides landscaping that complements the area's open space character. Planning Areas A and B are predominantly single-family residential neighborhoods located at the northern, upcoast portion of the city. A string of parcels located between Shell Beach Road and Highway 101 is designated as Open Space in the LUP, with open space designated as the primary land use, and other development potentially allowed so long as it maintains the area's open space character. The amendment adds requirements for any potentially allowable development, including that blue water ocean views from Highway 101 and views of the eastern hills from Shell Beach Road be protected from any obstruction. These public view protections are particularly important because this area provides the first ocean view for southbound motorists from Highway 101 since the Golden Gate Bridge, a distance of some 250 miles. The proposed amendment ensures that these important views are protected. Additionally, if a residence is allowed, the amendment adds new language requiring at least 60% of a parcel to be landscaped with drought tolerant native plants. Therefore, if a residence is allowed, at least 60% of the parcel must be landscaped (exclusive of patios, paving, gazebos, and other accessory structures) and a maximum of 40% of the parcel may be used for the residential and accessory structures. This additional policy language helps implement the existing requirement that any development must maintain the area's open space character. Thus, the amendment adds standards to existing certified LUP policies that further restrict uses which might adversely affect the resources of the coastal zone, and the proposed standards are not in conflict with any policy of Chapter 3 of the Coastal Act or with any other certified Land Use Plan policy.

#### **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. The City adopted a Negative Declaration for the amendment under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

#### **Coastal Commission Concurrence**

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its July 11, 2014 meeting at Ventura City Hall at 501 Poli Street, Ventura. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Kevin Kahn at the Central Coast District Office in Santa Cruz.

#### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on May 5, 2014. The amendment modifies only the LCP LUP and the 90-day action deadline is August 3, 2014. Thus, unless the Commission votes to extend the action deadline (it may be extended by up to one year), the Commission has until August 3, 2014 to take a final action on this LCP amendment.

#### Exhibit:

Exhibit 1: Proposed LUP Amendment

**RESOLUTION R-2014-019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH  
AMENDING THE 1993 GENERAL PLAN/LOCAL COASTAL PLAN LAND USE  
ELEMENT POLICIES LU-A-8 AND LU-B-2 BY INCLUDING REQUIREMENTS  
FOR SITE LANDSCAPING**

---

**WHEREAS**, the Planning Commission held numerous meetings and public hearings on amendments to the 1993 Pismo Beach General Plan/Local Coastal Plan Land Use Element for Planning Areas A and B at which a variety of amendments were considered; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on January 28, 2014 at which all interested persons were given the opportunity to be heard on amendments to the 1993 General Plan/Local Coastal Plan Land Use Element Policies; and

**WHEREAS**, At its duly noticed meeting on January 28, 2014, the Planning Commission voted 3-2 to recommend amendments to the 1993 General Plan/Local Coastal Plan Land Use Element Policies and certain figures in the General Plan Local Coastal Plan Land Use Element that reflect land use designations; and

**WHEREAS**, the City Council held a duly noticed public hearing on March 4, 2014 at which all interested persons were given the opportunity to be heard on the proposed amendments to the 1993 General Plan/Local Coastal Plan Land Use Element Policies and Figures that reflect the land use designations; and

**WHEREAS**, the City Council after considering the recommendations of the Planning Commission and all interested parties and reviewing the record determined that retention of the existing policies and land use designations for the land between Shell Beach Road and US Highway 101 in Planning Areas A and B is appropriate except that the City Council believes it is necessary to provide property owners with opportunities to enhance their properties through landscaping so long as such landscaping does not interfere with Public's blue water views of the Ocean or views of the Coastal Foothills, is drought resistant, and incorporates native species that will complement and enhance the setting of the area.

**NOW, THEREFORE BE IT RESOLVED** by the City Council as follows:

**SECTION 1. FINDINGS**

1. Resolution No. R-2013-30 approving a Negative Declaration for the subject amendments was adopted by the City Council on May 21, 2013.
2. No factors will create potential for significant environmental impacts because of the project.

R-2014-019

3. The project is consistent with the goals and policies of the General Plan/Local Coastal Program.
4. The project complies with the public access and public recreation policies of Chapter 3 (commencing with section 30220) of the California Coastal Act of 1976.

## **SECTION 2. ACTIONS**

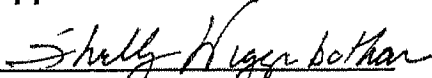
### **THE CITY COUNCIL DOES HEREBY:**

1. Certify the project is 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. Approve the project as noted in Exhibit 'A', which is attached to this Resolution.
3. Directs staff to forward the project to the California Coastal Commission for certification. The amendments shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513 and 30519.

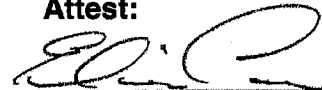
**UPON MOTION OF** Mayor Pro Tem Waage seconded by Council Member Vardas the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 4<sup>th</sup> day of March 2014, by the following vote:

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

**Approved:**

  
**Shelly Higginbotham**  
Mayor

**Attest:**

  
**Elaina Cano, CMC**  
City Clerk

## EXHIBIT 'A'

### PISMO BEACH CITY COUNCIL RESOLUTION No R-2014-019

#### PLANNING AREA 'A'

Policy Language to be Added is Indicated by Underlining -

#### **LU-A-8      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 sq. ft. or 60% of gross site area whichever is lesser, except that site landscaping shall comply with the following requirements.

1. Development and landscaping design shall not extend into the view corridor and blue water views from Highway 101, or extend into the Shell Beach Road views of the hills east of and above Highway 101. Development shall be sited, designed and screened so as to be completely concealed from motorist views from Highway 101. All properties shall be deed restricted to maintain blue water views, and such screening to meet these performance standards, including requiring landscaping to be regularly maintained so as to not extend into the blue water views.
2. Landscaping shall be drought tolerant and native to the central coast. It shall be designed to integrate with landscaping on adjacent properties to promote a cohesive natural landscape setting across developed lots that compliments the native landscaping in the area.
3. At least 60% of a parcel, existing or new, shall be landscaped for residential use. Landscaping does not include hardscaping like patios, paving, and structures such as gazebos or other accessory buildings.

#### PLANNING AREA 'B'

Policy Language to be Added is Indicated by Underlining -

## **LU-B-2      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 the same owner owns properties on both sides of Shell Beach Road, 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, except that site landscaping shall comply with the following requirements.

1. Development and landscaping design shall not extend into the view corridor and blue water views from Highway 101, or extend into the Shell Beach Road views of the hills east of and above Highway 101. Development shall be sited, designed and screened so as to be completely concealed from motorist views from Highway 101. All properties shall be deed restricted to maintain blue water views, and such screening to meet these performance standards, including requiring landscaping to be regularly maintained so as to not extend into the blue water views.
2. Landscaping shall be drought tolerant and native to the central coast. It shall be designed to integrate with landscaping on adjacent properties to promote a cohesive natural landscape setting across developed lots that compliments the native landscaping in the are.
3. At least 60% of a parcel, existing or new, shall be landscaped for residential use. Landscaping does not include hardscaping like patios, paving, and structures such as gazebos or other accessory buildings.