

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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RECORD PACKET COPY



September 11, 1996

To: Commissioners and Interested Persons
From: Charles Damm, South Deputy Director
Subject: Minor Amendment Request No. 1-96 to the City of Palos Verdes Estates
Certified Local Implementation Plan (for Commission Concurrence at
the October 8-11, 1996 meeting in Santa Monica).

Amendment Description

The City of Palos Verdes Estates has requested to amend its certified Local Coastal Program (LCP) by revising the Municipal Code to streamline the procedures for issuance of Coastal Development Permits. The proposed amendment will allow the Planning Commission the authority to approve Coastal Development Permits at their public hearing and eliminate a second public hearing at the City Council level unless an appeal is filed within 15 days. Following is a more detailed description of the proposed LCP amendment as submitted by the City:

Ordinance No. 096-600 will revise current procedure for the issuance of coastal development permits (CDP). Currently there are two public hearings for all CDP applications. There is one at the Planning Commission level and then another at the City Council level. This ordinance revises the PVEMC, by allowing the Planning Commission the authority to approve CDP at their public hearing. If there are no appeals within fifteen days, this ordinance eliminates the need for an additional public hearing at the City Council level, and thus streamlining the issuance procedures.

With this revision, CDP approvals will be handled similarly to all other discretionary approvals, in that the Planning Commission's action will be transmitted to the City Council at their next meeting. Within fifteen days after the date of the Planning Commission's decision, or on or before the first date of the City Council's decision, whichever occurs last, the City Council may: 1) confirms the Planning Commission's action; 2) set the matter for public hearing and thereafter dispose of it in the same manner as an appeal; 3) amend, modify, delete, or add any condition of approval; or 4) take no action, in which event the decision of the Planning Commission shall be considered final on the date of the City Council meeting at which the matter is reported to the City Council. The ordinance also sets the procedure for appeals to the City Council, which are similar to other discretionary approvals performed by the Planning Commission.

The proposed LCP amendment affects only the LIP portion of the LCP and does not propose any rezonings or land use changes in the coastal zone. The certified Land Use Plan (LUP) portion of the LCP is not affected by this amendment.

The proposed change to the certified LCP is contained in attached Ordinance No. 096-600. The City held two public hearings, approximately six weeks apart, regarding the proposed LCP amendment. The City Planning Commission held a public hearing for the proposed LCP amendment on May 21, 1996. The City Council held a public hearing for the proposed LCP amendment on June 11, 1996.

Procedures

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed amendment does not change the zoning but will allow procedures to streamline the issuance of Coastal Development Permits. The proposed amendment does not change the kind, location, intensity, or density of use. Therefore, the Executive Director has determined that City of Palos Verdes Estates LIP Amendment No. 1-96 is a minor LCP amendment.

The proposed LIP amendment will become effective after reporting to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PALOS VERDES ESTATES, CALIFORNIA,
AMENDING SECTION 19.02.040, 19.02.050, 19.02.060,
19.02.070, AND 19.02.080 OF, AND ADDING
SECTION 19.02.065 TO THE PALOS VERDES ESTATES
MUNICIPAL CODE RELATING TO THE PROCEDURES
FOR THE ISSUANCE OF COASTAL DEVELOPMENT PERMITS

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES,
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 19.02.040 of the Palos Verdes Estates
Municipal Code is amended to read as follows:

Section 19.02.040 Findings for Approval

A. A coastal development permit shall be approved by the
~~city council~~ issuing body only upon affirmative findings that:

1. The plans for the proposed development and the
coastal development permit comply with all of the
requirements of this chapter and other relevant city
ordinances and development standards; and

2. The proposed use is consistent with the
certified ~~LCP~~-local coastal program, the general plan,
any applicable specific plan, and the applicable zoning
ordinance or ordinances; and

3. The proposed use will not be visually intrusive
from public view points; and

4. The required reports and plans demonstrate to
the satisfaction of the city, in its sole discretion,
that the proposed use can be supported by the bluff and
the proponent has demonstrated that the proposed use will
not increase any existing geologic hazards; and

5. The proposed development, when located between
the sea and the first public road inland from the sea, is
in conformance with the public access and recreation
policies of the California Coastal Act as contained in
Chapter 3, sections 30200 through 30224, of the
California Public Resources Code, the applicable sections
of the California ~~Administrative Code~~ of Regulations, and
the ~~LCP~~-local coastal program.

B. Approval may be recommended and/or granted upon conditions that are necessary and reasonable to ensure that the proposed use will be designed, located, developed and maintained in accordance with the findings required by this section, the ~~LCP~~-local coastal program, the general plan, any applicable specific plan, and the applicable zoning ordinance or ordinances.

Section 2. Section 19.02.050 of the Palos Verdes Estates Municipal Code is amended to read as follows:

Section 19.02.050 Action by the Planning Commission

All applications for a coastal development permit shall be ~~referred to considered by the planning commission for at a public hearing. and a written report to be submitted to the city council, with the planning commission's recommendation to~~ The planning commission shall approve, conditionally approve, or deny the application, or any portions thereof, within seven (7) calendar days after it completes its hearing on the application and approve the written report. The conditions and findings adopted by the planning commission shall be transmitted to the city council by the director of planning.

Section 3. Section 19.02.060 of the Palos Verdes Estates Municipal Code is amended to read as follows:

Section 19.02.060 Action by the City Council

Within fifteen (15) days after the date of the planning commission's decision, or on or before the first day following the first city council meeting after the date of the planning commission's decision, whichever occurs last, the city council may:

1. confirm the action of the planning commission and grant or deny application; or
2. set the matter for public hearing and thereafter dispose of it in the same manner as an appeal; or
3. amend, modify, delete, or add any condition of approval which the city council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a coastal development permit and is in accord with the criteria for approval established by this chapter; or
4. take no action, in which event the decision of the planning commission shall be considered final on the date of the city council meeting at which the matter is reported to the city council.

Section 4. Chapter 19.02 of the Palos Verdes Estates Municipal Code is amended by adding thereto a new section 19.02.065 to read as follows:

Section 19.02.065 Appeal of Planning Commission Decision to the City Council

A. An aggrieved person may, within fifteen (15) days after the date of the planning commission decision, appeal the planning commission decision to the city council. The appeal shall be filed with the city clerk on such forms as may be prescribed by the city, accompanied by payment of the fee as the city council may establish by resolution, and shall include the reasons for the appeal. The city clerk shall notify the director of planning, who shall promptly furnish the city council with minutes of the planning commission hearing and the papers constituting the record upon which the decision was based. The city clerk shall set the appeal for public hearing and give notice of the time and place of the hearing pursuant to the provisions of section 19.02.070 of this chapter.

B. The city council may approve, approve with conditions, or disapprove the application. It shall render its decision by resolution within thirty (30) days after the conclusion of its hearing.

Section 5. Subsection E. of section 19.02.070 of the Palos Verdes Estates Municipal Code is amended to read as follows:

Section 19.02.070 Notice of Hearing by Planning Commission and/or the City Council and/or Hearing Officer

...

E. Notice of Final Planning Commission Action. Within seven (7) calendar days of a final action by the city council an action by the planning commission on an application for a CDP-coastal development permit, the city shall provide notice of that action by first class mail, postage prepaid, to (1) the applicant, (2) the California Coastal Commission, and (3) to any persons who specifically request notice of such action by submitting a self-addressed, stamped envelope to the city prior to the date when the notice is required to be sent, and (4) the members of the city council. Notice of the action shall also appear on the next city council agenda after the planning commission's action, provided that such action shall have occurred not less than seven (7) days prior to such city council meeting. Such notice shall contain the conditions of approval, if any, written findings as required by the California Coastal Act, applicable sections of the California

Exhibit C
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~~Administrative Code of Regulations, this chapter, and a summary of the procedures for appeal of the city's planning commission's decision to the city council and to the California Coastal Commission.~~

Section 6. Section 19.02.070 of the Palos Verdes Estates Municipal Code is amended by adding a new subsection F. thereto to read as follows:

Section 19.02.070 Notice of Hearing by Planning Commission and/or the City Council and/or Hearing Officer

...

F. Notice of Final Action. The city's action on a coastal development permit application shall be final when the city council considers the application pursuant to paragraphs 1, 3 or 4 of section 19.02.060, or when the city council renders a decision by resolution pursuant to section 19.02.065. Within seven (7) calendar days of a final action by the city council on an application for a coastal development permit, the city shall provide notice of that action by first class mail, postage prepaid, to (1) the applicant, (2) the California Coastal Commission, and (3) any persons who specifically request notice of such action by submitting a self-addressed, stamped envelope to the city prior to the date when the notice is required to be sent. Such notice shall contain the conditions of approval, if any, written findings as required by the California Coastal Act, and applicable sections of the California Code of Regulations, this chapter, and a summary of the procedures for appeal of the city council decision to the California Coastal Commission.

Section 7. Section 19.02.080 of the Palos Verdes Estates Municipal Code is amended to read as follows:

Section 19.02.080 Effective Date of City Council Action for Purposes of Appeal to the California Coastal Commission and Termination of the Appeal Period

~~The city council's action of the city council to grant or deny a coastal development permit shall become effective on the tenth (10th) working day after the appeal period of the California Coastal Commission has expired unless (1) an appeal is filed in accordance with Title 14 California Code of Regulations § 13111 or (2) the notice of final action required by Title 14 California Code of Regulations § 13571 and subsection E-F. of section 19.02.070 of this code chapter has been found deficient by the California Coastal Commission (the~~

~~"effective city date"~~). The final action of the city may be appealed to the California Coastal Commission ~~at any time within ten working days after~~ prior to the effective city date by an aggrieved person ~~(as defined in Section 19.01.010)~~ who has exhausted all city appeals ~~if any~~.

Section 8. The City clerk shall certify to the passage and adoption of this ordinance and enter it in to the book of original ordinance.

PASSED, APPROVED AND ADOPTED this _____ day of _____ , 1996.

William Finer, Mayor

ATTEST:

Judy Smith, City Clerk

APPROVED AS TO FORM:

Stephanie R. Scher, City Attorney

Exhibit E
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