

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200



TH 9.9

October 17, 1996

DCL/10/17/96

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Diane Landry, District Legal Counsel
Lee Otter, District Chief Planner
Steven Guiney, Coastal Planner

SUBJECT: CITY OF PISMO BEACH: LOCAL COASTAL PROGRAM
MAJOR AMENDMENT NO. 2-96. For public hearing and Commission action at its meeting of November 12 - 15, 1996, to be held at the Radisson Hotel/Mission Valley, 1433 Camino Del Rio South, San Diego, tel. (619) 260-0111.

SYNOPSIS

The City of Pismo Beach is proposing to amend its Implementation Plan map (zone district map) and its Land Use Plan text and map. The City wishes to change the zoning map for a portion of the City pier from Open Space Recreational(OS-R) to Retail Commercial (C-1), change the Land Use Plan map of the same portion of the pier from Open Space to Resort Commercial, and amend the text of Land Use Plan Policy LU-K-3.5 to indicate that the first diamond of the pier shall be designated Resort Commercial. The changes would apply only to the most landward portion of the pier from the seaward edge of the first diamond-shaped section to the landward end of the pier.

The purpose of the changes, according to the City, is "...to provide opportunities for commercial development to pay off debt incurred for the reconstruction of the Pier..." The City's environmental document considered a hypothetical future project "...described as 6,000 sq. ft. of visitor-serving commercial shops on the ground (pier) level and a 10,000 sq. ft. sit-down restaurant (number of seats as yet unspecified) on the second level."

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed changes, **if modified**, for the reasons given in this report.

Summary of Suggested Modifications		
Amendment Component (page notations after each component refer first to suggested modification section for complete modification text and second to findings section for discussion of the proposed amendment)	Recommendation	Basis For Recommendation Of Modification
1. Proposal to redesignate the first diamond of the pier from Open Space Recreational to Resort Commercial (p. 6, pp. 8-11).	Denial as submitted, Approval if modified	Provide more specificity for type of commercial development allowed in the Resort Commercial land use designation on the pier by adding language to LUP Policy LU-4 limiting such development to visitor-serving food service and retail. Clarify that such development shall not interfere with existing public access and recreation along the length of the pier. Provide guidance for height limit and visual concerns on the esthetically sensitive pier
2. Proposal to amend Land Use Plan (LUP) Policy LU-K-3.5, Open Space District by deleting words "the pier" from description of specific areas designated open space and add language designating the first diamond of the pier " <i>Resort Commercial to provide opportunities for commercial development.</i> ". (p. 7, pp. 8-11).	Denial as submitted, Approval if modified	Provide more specificity for type of commercial development to be allowed by adding language limiting such development to visitor-serving food service and retail. Clarify that such development shall not interfere with existing public access and recreation along the length of the pier.
3. Proposal to rezone the first diamond of the pier from Open Space Recreation (OS-R) to Retail Commercial (C-1) (p. 7, p. 11).	Denial as submitted, Approval if modified	Provide more specificity for type of commercial development allowed in the Retail Commercial (C-1) zone district by adding a new section 17.042.015 to the zoning ordinance limiting such development to visitor-serving food service and retail. Clarify that such development shall not interfere with existing public access and recreation along the length of the pier..
4. Visual impacts and height limit: the City has proposed no particular height limit or visual standards. (p. 7, p.11)	Denial as submitted, Approval if modified	Provide guidance for height and visual concerns adding a new subsection 17.102.010(9)d limiting height to 15 feet above the top of the pier decking unless it is shown that greater height is necessary (up to max. of 25 feet) and requiring comprehensive visual analysis to accompany coastal development permit application for commercial development.

ANALYSIS CRITERIA

This Local Coastal Program (LCP) amendment is not an ordinary amendment in that the area to which it pertains, the first diamond of the City pier, is in the Coastal Commission's retained permit jurisdiction. Therefore this is a "guidance" LCP amendment, the policies and ordinances of which are not binding on the Commission when it reviews future development on the pier.

Generally, the relationship between the Coastal Act and a local government's LCP can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of and LCP incorporates and refines the Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning, portion of an LCP typically sets out the various zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act.

In order to approve the City's proposed zoning change, the Commission must find that the proposed change is consistent with the LUP, as proposed to be amended. In order to approve the proposed LUP map and text changes the Commission must find that the LUP, as proposed to be amended, is consistent with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steven Guiney or Diane Landry, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

EXHIBITS

1. Resolution No. R-95-69, City of Pismo Beach
 2. Resolution No. R-95-70, City of Pismo Beach
 3. Ordinance No. 0-95-17, City of Pismo Beach
 4. Location Map
 5. Conceptual Site Plan from 1984 Waterfront Revitalization Plan
 6. Zoning Ordinance text: Retail Commercial (C-1) Zone District
 7. Zoning Ordinance text: General Provisions: Building Heights, section 17.102.010(9)
 8. Land Use Plan text: Resort Commercial Land Uses
 9. Land Use Plan text: Open Space District
-

TABLE OF CONTENTS

I. Staff Recommendation.....4
 A. Land Use Plan Motions and Resolutions.....4
 B. Implementation Plan Motions and Resolutions.....5
 C. Suggested Modifications.....6
 II. Findings.....8
 A. Description of LCP Amendment Submittal.....8
 B. Land Use Plan Findings.....8
 C. Implementation Plan Findings.....11
 D. Conclusion.....11
 E. California Environmental Quality Act (CEQA).....12

I. STAFF RECOMMENDATION

Staff recommends adoption of the following four Resolutions:

A. LAND USE PLAN MOTIONS AND RESOLUTIONS

1. DENIAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION 1:

"I move that the Commission certify amendment # 2-96 to the City of Pismo Beach Land Use Plan as submitted by the City."

Staff recommends a **NO** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION 1:

The Commission hereby rejects the amendment to the Land Use Plan of the City of Pismo Beach as submitted for the specific reasons discussed in the findings on the grounds that, as submitted, the amendment and the LUP as thereby amended do not meet the requirements of the Coastal Act. The amendment is not consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

2. APPROVAL OF LAND USE PLAN AMENDMENT IF MODIFIED

MOTION 2:

"I move that the Commission certify amendment # 2-96 to the City of Pismo Beach Land Use Plan if it is modified as suggested."

Staff recommends a **YES** vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION 2:

The Commission hereby certifies Amendment # 2-96 to the Land Use Plan of the City of Psimo Beach Local Coastal Program for the specific reasons discussed in the following findings on the ground that, as modified, these amendments and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. These amendments, as modified, are consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the Californian Environmental Quality Act.

B. IMPLEMENTATION PLAN (ZONING ORDINANCE)
MOTIONS AND RESOLUTIONS

3. DENIAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION 3:

I move that the Commission reject amendment #2-96 to the Implementation Plan of the City of Pismo Beach LCP as submitted by the City.

Staff recommends a **YES** vote which would deny the amendment as submitted. An affirmative vote by a majority of the Commissioners present is needed to uphold the motion according to the staff recommendation (otherwise the amendments are approved as submitted)

RESOLUTION 3:

The Commission hereby rejects amendment #2-96 to the Implementation Plan of the City of Psimo Beach LCP for the specific reasons discussed in the following findings on the grounds that it does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan as amended. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of the amendment would have on the environment.

**4. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #3-95
IF MODIFIED AS SUGGESTED**

MOTION 4:

I move that the Commission certify amendment #2-96 to the Implementation Plan of the City of Pismo Beach LCP if it is modified as suggested.

Staff recommends a **YES** vote. An affirmative vote by a majority of the commissioners present is needed to pass the motion.

RESOLUTION 4.

The Commission hereby certifies amendment #2-96 to the Implementation Plan of the City of Pismo Beach LCP as modified, for the specific reasons discussed in the following findings, on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land use Plan as amended; and approval of the amendment as modified will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

C. SUGGESTED MODIFICATIONS

KEY FOR MODIFICATIONS TO CITY LANGUAGE:

Bold, underscored is language suggested by Coastal Commission.

Note: Page notations following a suggested modification refer to page numbers in the findings section of this report.

Land Use Plan

1. To ensure that the proposed land use designation change to the most landward diamond section of the pier is sufficiently specific to allow only visitor-serving food service and retail uses appropriate to the pier and to ensure continued public access, add a new subsection f. to Land Use Plan Policy LU-4, as follows:

f. Commercial Uses on the Pier

Commercial uses on the pier shall be restricted to the most landward diamond of the pier and shall be limited to visitor-serving retail sales and food service. Public access to and along the length of the pier shall not be inhibited by any commercial development. Commercial development on the first diamond of the pier shall not exceed a maximum of 15 feet above the top of the pier decking unless it is shown that 1) the 15 foot height limit makes visitor-serving retail and food service uses infeasible and 2) that a greater height will not significantly interfere with views to and over the pier from the land and to the land from the pier. If both of these two showings are made, the height limit may be increased only as much as necessary to make visitor-serving retail and food service uses feasible, but in no

case shall a maximum of 25 feet above the top of the pier decking be exceeded. A comprehensive visual analysis of proposed development shall accompany any application for a coastal development permit and for any City-required use permit. (pp. 8-11)

2. To ensure that the proposed land use designation change to the most landward diamond section of the pier is sufficiently specific to allow only visitor-serving food service and retail uses appropriate to the pier and to ensure continued public access, add the following language at the end of the last sentence of the City-proposed amendment to LUP Policy LU-K-3.5:

Commercial development on the first diamond of the pier shall be limited to visitor-serving retail sales and food service. Commercial development shall not interfere with existing public access to and along the length of the pier. (pp. 8-11)

Implementation Plan

1. The Retail Commercial (C-1) zone district provides for a great variety of commercial uses, many of which would not be appropriately located on a public pier. To ensure that the proposed land use designation change is sufficiently specific to allow only visitor-serving retail sales and food service uses appropriate to the pier and to ensure continued public access, add the following new subsection to Chapter 17.042 of the zoning ordinance, the Retail Commercial (C-1) Zone District:

17.042.015 Limitation on Commercial Uses on the Pier. Commercial uses are limited to the first diamond of the pier and shall consist only of visitor-serving retail and food service uses. Commercial development shall not interfere with existing public access to and along the length of the pier. (p.11)

2. To ensure that there is a maximum height limit and that visual concerns are addressed add the following new subsection to section 17.102.010(9) of the zoning ordinance:

d. Commercial development on the first diamond of the pier shall not exceed a maximum of 15 feet above the top of the pier decking unless it is shown that 1) the 15 foot height limit makes visitor-serving retail and food service uses infeasible and 2) that a greater height will not significantly interfere with views to and over the pier from the land and to the land from the pier. If both of these two showings are made, the height limit may be increased only as much as necessary to make visitor-serving retail and food service uses feasible, but in no case shall a maximum of 25 feet above the top of the pier decking be exceeded. A comprehensive visual analysis of proposed development shall accompany any application for a coastal development permit and for any City-required use permit. The visual analysis shall include, at a minimum, photographs of the pier and parking lot taken from the seaward end of the pier looking inland and from points on the land at the base of the pier and upcoast and downcoast of the pier looking toward significant visual features such as the downtown, Ontario Ridge, Point San Luis, the beaches to the south, Point Sal, and the ocean. The photographs shall include a rendering of the proposed structure(s) superimposed thereon or the proposed structure height and horizontal extent shall be clearly indicated in the photos by poles placed on the site, or other methods, which clearly indicate the height and horizontal extent of the structure(s). (p.11)

II. FINDINGS

A. Background and Description of LCP Amendment Submittal

The Pismo Beach Pier, owned by the City, was extensively damaged by the 1983 winter storms. Damage to the pier included the loss of 350 lineal feet of the seaward end of the pier. Additionally, pilings in the mid-section were damaged and the connecting span on the landward side was destroyed. On May 9, 1984, the Commission approved application 4-84-184 to allow the reconstruction and enlargement of the pier. The approved project consisted of 1) replacing the damaged seaward end of the pier with a diamond shaped deck (5310 sq.ft.), 2) two new diamond shaped decks in the mid-section of the pier (5310 sq.ft. each), a new diamond shaped deck at the landward end of the pier (22,500 sq.ft.), 3) gazebo, 4) two restrooms, and 5) a replacement bait shop.

The single Special Condition of permit 4-84-184 stated *"Prior to transmittal of a coastal development permit for this project, the applicant shall submit for the review and approval of the Executive Director, evidence of the final transfer of the Pier and lease of underlying tide-lands to the City of Pismo Beach."* That condition was fulfilled.

According to the staff report for permit 4-84-184,

The refurbishing of the existing pier and addition of increased decking is the first phase of a stage beach front renovation plan being developed by the City, a portion of which is in conjunction with the Coastal Conservancy. The subsequent stages tentatively include a restaurant on the pier. . . . These other elements, however, are independent of the present project, and are not part of this application.

The currently existing diamond shaped deck at the landward end of the pier is the subject of this Local Coastal Program (LCP) amendment. The City wishes to rezone and redesignate that section of the pier to allow for future commercial development, such as a restaurant (Please see Exhibit 5).

This LCP amendment would not result in any development; it would allow for future commercial development to be found consistent with the zoning and land use designation. Any future coastal development permit application will require approval from the Coastal Commission since the Commission's permit jurisdiction includes the entire pier.

The pier currently is zoned Open Space Recreation (OS-R) and carries a land use designation of Open Space Recreational. The amendment proposes to rezone the most landward diamond of the pier to Retail Commercial (C-1) and change the land use designation to Resort Commercial. The rest of the pier would retain the existing zoning (OS-R) and land use designation (Open Space Recreational).

B. Land Use Plan Findings

For the Commission to approve the proposed change to the Land Use Plan (LUP) by changing the LUP designation from Open Space Recreational to Resort Commercial, the Commission must find that the proposed change is consistent with the Coastal Act. The following sections of the Coastal Act are applicable here.

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including, but not limited to the use of dry and rock coastal beaches to the first line of terrestrial vegetation.*

There is no project yet and so no project plans available for review. However, this proposed LUP amendment would set the stage for future commercial development such as a restaurant. It is expected that actual project plans would continue the present public access along the entire length of the pier. However, to ensure that public access will not be inhibited by future commercial development, suggested land use plan modifications 1 and 2 are necessary. Since the actual project will have to come to the Commission for review and approval, the Commission will review the actual access provisions at that time. This change in LUP designation, as modified, will not affect public access and is therefore consistent with Coastal Act section 30211.

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

The "oceanfront land" in this case is the publicly owned pier. One of the prime uses of the pier is for fishing; another is strolling and taking in the views of the ocean and the land. The recreational use of the pier occurs mostly on the farther seaward portion of the pier. The most landward portion of the pier, including the first diamond, is over sandy beach and/or very shallow water and is used mostly for getting to the farther parts of the pier which are over deeper water where fishing is better. Being farther out from shore, the more seaward parts of the pier also offer better views than the most landward part.

The proposal, as modified, will not inhibit the public's ability to get to the more seaward portion of the pier nor to use the pier for the same types of recreational purposes for which it is used now (mainly fishing and viewing). In the immediate vicinity of the pier there are numerous recreational uses, developments, and activities, both public and private, including the beach and ocean, bicycle rentals, and beach equipment rentals. Conceivably, future commercial development on the first diamond could be required to include recreational activities. However, the area of the first diamond, roughly one-half acre, is relatively small for a commercial recreational activity. Also if the area were devoted to beach equipment rentals, for example, it would be inconvenient for someone to come onto the pier to rent the equipment and then go back to the parking lot and then down onto the beach to use the equipment. Finally, the LUP states that *"The pier and the beach will provide the catalyst for development of a boardwalk along the beach from Main Street to Pismo Creek. Passive recreational uses are permitted in these areas. (emphasis added)."* Since various recreational opportunities already exist on the land within one or two blocks of the pier, since the commercial recreational potential of the pier beyond its current level is limited, and since the LUP calls for passive recreation on the pier, it is not necessary to modify the proposed amendments to further protect the pier for potential future recreational uses. Therefore, the proposed amendments, as submitted, are consistent with Coastal Act section 30221.

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff. . . .*

Section 30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.*

Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The City has standard requirements and conditions covering these types of concerns, which would be applicable at the time of building permit issuance. In addition, since future development on the pier will have to come before the Commission, the Commission can, at that time, impose any needed conditions dealing with issues of water quality. The proposed LUP redesignation does not affect these concerns one way or another, therefore, the proposal is consistent with these Coastal Act sections.

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to , existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The proposed LUP amendment would allow for future commercial development on the most landward portion of the pier, adjacent to the commercial core of the City, abutting the central commercial district (Please see Exhibit 2, page 3). Thus, any future development proposal would be located contiguous to an existing developed area able to accommodate it and so therefore the proposed amendments are consistent with section 30250(a).

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....*

Immediately inland of the pier is a public parking lot (see Exhibit 5). On either side and inland of the parking lot is the commercial core of the City with a mix of single and multi-story buildings. Future development on the pier will be about 300 feet away from the nearest existing commercial building in the commercial core and about 75 feet from shore and thus will be in an exposed location. However, this would not be a unique coastal situation. Santa Barbara to the south and Monterey and Santa Cruz to the north all have piers or wharves with similar types of development. Some of the structures at those locations are single story and some are two story. Many of the buildings were built before the requirement for coastal development permits. The Commission has approved two story structures on the wharf at Santa Cruz with heights of up to 24 feet. Those buildings are several hundred feet offshore. The first diamond of the pier in Pismo Beach is only about 75 feet from shore. Since the first diamond of the pier is so close to shore, the height and bulk of a future building there could have significant impacts on views from the land and also on views from the farther reaches of the pier back toward the land. Because of this potential, LUP modification 1 is required. With that modification, views to, from, over, and of a proposed development will be addressed through a comprehensive visual analysis that must accompany any permit application. Since emergency-vehicle access to the rest of the pier seaward of the first diamond must be maintained, future development will have to be to one side of the pier with room for vehicle access toward the other side, in the middle with room for vehicle access on the sides, or in a two story building with vehicle access below. For purposes of least interference with existing views, a single story structure is best. LUP Modification 1 restricts heights to 15 feet unless it is shown that a greater height, up to 25 feet, is necessary to make visitor-serving retail and food service uses feasible and that such an increase in height will not significantly interfere with views. With that modification, the proposed amendment is consistent with Coastal Act section 30251.

Section 30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline.*

The proposed amendment would preclude coastal-dependent development on the affected portion of the pier. This is not a change from existing conditions, since the existing zoning and land use designation also do not allow for coastal-dependent uses, other than, for example, recreational fishing. Fishing from the pier would not be affected, primarily because the subject portion of the pier is the most landward portion and is located in the intertidal area where fishing would be poor, at best. Therefore, the proposed amendment is consistent with section 30255.

C. Implementation Plan Findings

For the Commission to approve the proposed zoning change from Open Space Recreation to Retail Commercial, the Commission must find that the proposed change is consistent with the Land Use Plan (LUP) as proposed to be amended (Please refer to Exhibit 6 for the complete text of the proposed zoning and Exhibit 7 for the complete text of the Resort Commercial Land Uses portion of the LUP).

According to the LUP, *"The Resort Commercial land use shall allow various visitor services including motels, hotels and R.V. parks. . . shall be promoted catering to visitors of all income levels. . . is specifically intended to be set aside for visitor-serving uses."* In contrast, the proposed new zoning, Retail Commercial permits a variety of general commercial uses such as retail stores, antiques shops, bakeries, restaurants. More intensive commercial uses and other uses generally may be allowed in the Retail Commercial zone district with conditional use permits (please see Exhibit 6 for the listing of other uses). However, none of the City's other commercial zone designations are more appropriate for implementing the proposed land use plan change.

Both the proposed LUP designation and the proposed zoning could conceivably allow for a relatively wide variety of commercial uses. It is the City's stated intent to enable future visitor serving uses such as a restaurant and/or small visitor-serving retail stores. Also, the proposed LUP designation clearly limits uses to visitor serving uses. Nevertheless, Implementation Plan (IP) modification 1 is necessary to ensure that only visitor-serving food service and retail commercial uses are allowed and to implement the suggested modifications to LUP Policies LU-4 and LU-K-3.5. Therefore, the modification to the zoning ordinance relative to the specific type of use to be allowed is consistent with the LUP as proposed to be amended.

The site is a highly scenic one with outstanding views across and along the pier. In order to ensure that the views are protected, LUP Policy LU-4, as modified, is necessary. IP modification 2 is required to implement the LUP modification regarding height limit and to provide greater detail of what is required in a visual analysis. Therefore, the modification to the zoning ordinance relative to height limit and visual analysis is consistent with the LUP as amended.

D. Conclusion

It should be remembered that, although the Commission will be the reviewing and approval body for any future proposed coastal development permit enabled by this amendment and that the Coastal Act will be the standard of review, the Commission will look to the certified LCP for guidance. Only with the

suggested modifications will the LCP be sufficiently specific to 1) be consistent with the Coastal Act, 2) be internally consistent (i.e., between the LUP and the IP) and, 3) allow the Commission, at some future date, to adequately address a development proposal on the pier.

E. 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 on LCP amendments, although the Commission can and does utilize any environmental information 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 of Pismo Beach certified a mitigated negative declaration for this amendment submittal on December 19, 1995, finding that the changes would not result in harm to the environment. The findings in this report are consistent with the City's environmental analysis, so far as that environmental analysis went. However, it is necessary to modify the City's proposal to ensure that it is consistent with CEQA. The Commission suggested modifications and findings in this staff report will ensure that the proposal will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA, CERTIFYING THE NEGATIVE DECLARATION TO AMEND THE GENERAL PLAN/LOCAL COASTAL PLAN (GP/LCP) DESIGNATION OF THE FIRST DIAMOND OF THE PISMO BEACH PIER FROM OPEN SPACE RECREATIONAL TO RESORT COMMERCIAL AND REVISE THE PISMO BEACH ZONING MAP FROM OPEN SPACE RECREATIONAL (OS-R) TO RETAIL COMMERCIAL (C-1)

WHEREAS, the City's Economic Improvement Commission has recommended that the GP/LCP be amended to revise the designation for the first diamond of the pier from Open Space Recreational to Resort Commercial and rezoned the first diamond of the pier from Open Space Recreation (OS-R) to Retail Commercial (C-1) to provide opportunities for commercial development to pay off the debt incurred for the reconstruction of the Pier; and,

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for this GP/LCP amendment and rezoning (project) and made available for review per CEQA requirements; and,

WHEREAS, the Planning Commission held a public hearing on the project on September 26, 1995, reviewed the matter and recommended that the General Plan/Local Coastal Plan designation for the first diamond of the pier be amended from Open Space Recreational to Retail Commercial and the first diamond of the Pier be rezoned to Retail Commercial (R-1); and,

WHEREAS, the City Council held a public hearing and reviewed the Initial Study and Negative Declaration and the project on December 5 and December 19, 1995..

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES RESOLVE AS FOLLOWS:

Based upon the information contained in the Initial Study and the Mitigation Monitoring Program, it is determined that the project is not categorically exempt. The City Council finds that the project will not have a significant effect on the environment based on the following findings:

1. Land Use: The project will be consistent with the GP/LCP and Zoning Code. The proposed uses are compatible with the surrounding visitor serving commercial and visitor-serving lodging facilities in the immediate area. No significant negative land use impacts are anticipated.
2. Earth and Geologic: No significant negative impacts to geologic resources will occur. Any future project would be constructed on an existing pier structure designed to accommodate the commercial and restaurant uses. No significant environmental impacts would be anticipated to result with regard to earth or geologic processes.
3. Air Quality: The project would facilitate a development project that could result in long term air quality impacts; however, the following mitigations for a future project would reduce these impacts to a level of insignificance:
 - o One out of every ten required parking spaces shall be identified for employee carpools which shall be located in preferential locations close to the pier.
 - o Carpooling and public transit information for employees and patrons shall be posted and on-site transit information shall be provided.
 - o Covered, secured bicycle parking for employees and patrons shall be provided.
 - o Employers shall provide subsidized transit passes to encourage the use of alternative modes of transportation.

EXHIBIT 1

PSB LCPA 2-96

- o The City shall work with local transportation agencies on a Traffic Demand Management Plan for any Pier project prior to project approval. The TDM should include a newly established bus route and stop along the waterfront area, a parking plan, covered bike racks, etc. . .
 - o The City of Pismo Beach, and the hospitality industry of Pismo Beach should begin work to develop an internal city shuttle service to link the hotel\motel district with the pier area and the outlet center. In time, additional service should be developed to serve Shell Beach and the hillside residential areas on the inland side of Highway 101. This service would greatly reduce the type of short distance trips that are most detrimental to air quality. Additionally, this service should reduce the demand for parking in Pismo Beach's most congested areas.
 - o The City and local business community should, as part of ongoing promotional advertising for local businesses, make promotion of the alternative transportation options in and to the City of Pismo Beach a center point of their advertising.
3. Water Quality and Quantity: No impacts to water quality and quantity will occur with the project. The project will facilitate a future development project and the following would be anticipated:
 Quality: The future project would not affect any flood patterns, currents, course or direction of marine or fresh waters, nor would it affect absorption rates or drainage patters as it is physically removed from the ground surface. The future project may affect marine water quality as future development facilitated by the project has the potential to discharge lubricants, fuels and debris into marine waters. To mitigate this possibility, any development facilitated by this project shall incorporate into its design a filter and catchment system for run-off from proposed vehicular parking and access areas to eliminate contaminated discharge from entering the ocean below. This mitigation will reduce potential impacts on water quality to a level of insignificance.
 Quantity: No significant water-related impacts are expected to result and no mitigation measures would be required.
 4. Plant life and Animal life: No impacts to plant and animal life will occur with the project. A future development project may impact Ocean marine and plant life; however, with the following mitigations, negative impact on plant life will be reduced to a level of insignificance:
 o A catchment system or filter system shall for any future development project to prohibit runoff to affected plants and animals in the surf zone. The system shall be operational prior to construction and functional for the life of future development on the first diamond of the pier.
 5. Noise: No impacts are anticipated; therefore no mitigation measures will be required.
 6. Light and Glare: No light and glare impacts will occur with the project. Potential exists for future development on the first diamond of the Pier for adverse light and glare to nearby visitor serving lodging. The incorporation of the following mitigation related to light and glare for a future project will reduce their impacts to a level of insignificance:
 o Exterior lighting for future development shall be hooded and limited to that necessary for deck illumination and safe access. The City shall review and approve the plans for this lighting prior to issuance of construction permits.
 7. Natural Resources: The project will not significantly increase the rate of use of any natural resources or substantially deplete any non-renewable resource.
 8. Risk of Upset: No risk of upset concerns are raised by this project. The future project would be designed to provide for emergency and service vehicles. No significant impacts would be anticipated to result.
 9. Population: No impacts to the existing population would result from the project as it will not

individually or cumulatively alter the location, distribution, density or growth rate of the population of the area in a significant manner.

10. Housing: The project will not have a significant affect on existing housing or create a demand for new housing as employees will likely come from the existing City population or from nearby.
11. Transportation/Circulation/Parking: The project will not impact transportation, circulation or parking. Impacts related to transportation, circulation and parking for a future development project will be reduced to a level of insignificance with the incorporation of the mitigations for potential impacts outlined on page 21 of the Initial Study. (Exhibit 1)
12. Public Services: Due to the project's visitor-serving nature, it would not have any significant impacts upon the provision of public services.
13. Energy: The project will not impact energy resources. Existing utility systems are capable of accommodating energy demands of future development of the first diamond of the pier. No new sources of energy would be required and no negative impacts related to energy are anticipated.
14. Utilities: The project will not impact utilities. Any future development project would be required to obtain will serve letters from applicable utilities. No negative impacts on utility services are anticipated.
15. Human Health: The project will not impact human health. A future development project is not anticipated to create any significant impacts with regard to potential human health hazards or the exposure of people to potential health hazards.
16. Aesthetics: The project will not impact the aesthetics of the area. No significant visual or aesthetic impacts are expected to occur as the design of future development on the first diamond of the pier will require architectural review by the City to assure an aesthetically pleasing development.
17. Recreation: The project will not impact recreational resources. The location of a future project at the base of the municipal pier would not result in any adverse impacts to the recreational activities in the area.
18. Cultural Resources: The project will not impact cultural resources. No significant impacts to historical or cultural resources ar anticipated to occur with a future development project as the pier is physically elevated from the ground/sand surface.
19. The Initial Study is a complete and adequate informational document. The project will not have a significant effect on the environment.
20. The City Council hereby certifies the project's Negative Declaration. (Exhibit 1)

Ex 1
p 3
PSB LCFA 2-96

UPON MOTION of the Councilmember Halldin, seconded by
Councilmember Mellow, the foregoing Resolution is hereby approved and adopted
the 19th day of Dec., 1995 by the following role call vote, to wit:

AYES: Councilmembers Halldin, Mellow, Stahl and Mayor Bailey

NOES: Councilman Brown

ABSTAIN: None

ABSENT: None

Paul B. Bailey
Paul Bailey, Mayor

ATTEST:
Sharon Jones
Sharon Jones, City Clerk

Ex 1
P 4
PSB LCRA 2-96

EXHIBIT 1

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER: GPA/ZC/LCP 95-162

PROJECT APPLICANT: The City of Pismo Beach

TELEPHONE NUMBER: (805)773-4658

PROJECT LOCATION: City of Pismo Beach Pier

PROJECT DESCRIPTION: General Plan/Local Coastal Plan Amendments and Zone Change to allow commercial uses in an area presently designated as Open Space. The City of Pismo Beach may consider, at a later date, a proposal for a commercial development project.

FINDING

The City of Pismo Beach has reviewed the above project in accordance with the City of Pismo Beach's Rules and Procedures for Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- The proposed project will not have a significant effect on the environment
- Although the proposed project could have significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached and hereby made a part of this Negative Declaration have been added to the project.

The initial study which provides the basis for this determination is attached. A copy will be kept on file at the City of Pismo Beach. Public Services Department, (805)773-4658.

DRAFT PREPARED BY: Interface Planning and Counseling Corporation

DATE: October 25, 1995

REVIEW PERIOD: Deadline for written comments - 5:00 p.m., November 27, 1995.

NOTICE

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received. Comments are attached, two letters received.

COMMENTS RECEIVED ON DRAFT: X YES ___ NO

INITIAL STUDY REVISED X YES ___ NO

DATE ADOPTED: December 19, 1995

BY: _____

Ex 1

P5

PSB LCPA 2-96

City of Pismo Beach
Initial Study
GPA/LCP/ZC 95-162

I. Background

1. Description of Project

The proposed project entails a General Plan/Local Coastal Plan Amendment and Zone Change to allow commercial uses in an area currently designated as Open Space. The City of Pismo Beach may, in the future, permit commercial development on the first diamond of the Pier. An example of the type of development is a 10,000 sq. ft. restaurant and 6,000 sq. ft. of retail commercial floor space on the northeasterly (landward) end of its municipal wharf. The project was originally conceived as Phase II of the City's Restoration Plan for improvement of the Pismo Beach downtown waterfront area. The Restoration Plan was prepared in March, 1984, in partial response to the winter storms of 1982-83 which caused severe damage to the municipal pier. Since that time, Phase I of the Restoration Plan has been completed and the pier has been reconstructed. For further information, the reader is referred to the City's Restoration Plan on file with the City Community Development Department. As a part of the review and approval process for the Restoration Plan, a Conditioned Negative Declaration was prepared and adopted in January of 1984. The currently proposed project is, in effect, a component of the Restoration Plan. As such, all of the recommendations/mitigation measures related to the pier in the Restoration Plan would apply to this project. The Restoration Plan is hereby incorporated by reference.

2. Name of Proponent, Address and Phone

City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449
(805) 773-7044

3. Environmental Setting/Location

The project site, for the General Plan/Local Coastal Plan amendment and Zone change, is located on the first diamond the Pismo Beach Pier, in the Downtown Specific Plan Area of the City. Specifically, the pier lies between Hinds Avenue and Pomeroy Avenue in the heart of downtown Pismo Beach. (Refer to the Regional and Local Setting, Figure 1.) The

environmental setting of the project area is that of a visitor serving commercial downtown area with lodging, shops and commercial retail uses. The City's public beach surrounds the pier to the north, east and west.

4. Land Use Designations/Compatibility with Surrounding Uses

Current General Plan/LCP Designation: Open Space District

Proposed General Plan/LCP Designation: Commercial District

Current Zoning Designation: Open Space/Recreation

Proposed Zoning Designation: C-1 Commercial

Existing Site Use: Open Space, diamond-shaped open pier decking

Proposed Uses: A future commercial development. For the purposes of environmental review, a hypothetical project is described as a 6,000 sq. ft. visitor-serving commercial shops on the ground (pier) level and a 10,000 sq. ft. sit-down restaurant (number of seats as yet unspecified) on the second level.

Surrounding Uses: To the north, there is a 140 space surface-level Municipal Parking Lot and downtown retail commercial uses. To the east is the beach area, visitor-serving lodging and residential; to the south is the Pacific Ocean; to the west are more visitor-serving commercial uses. ~~The parking requirement is 54 Spaces (1 space per 300 ft of Gross Floor Area).~~ A commercial ~~The proposed~~ project would be consistent with the surrounding land uses. Refer to the Site Plan, Figure 2 from the Restoration Plan document. It should be noted that any the proposed development will require a Coastal Development Permit from the California Coastal Commission.

Local Setting - Figure 1

Page 3 of 16

Ex 1
p8
PSB LCPA 2-96

Site Plan of a hypothetical project as referenced in the Pismo Beach Downtown Restoration Plan
(reduced to 8 1/2 x 11) Figure 2

Ex 1
P 9
PSB LCRA 2-96

II. Discussion of Environmental Evaluation

1. a-g. Earth and Geologic

Earth and Geologic impacts are not anticipated for the proposed project. Any future development project on the first diamond of the Pier ~~The proposed project~~ would be constructed on an existing pier structure which was originally constructed in the late 1800's. The pier has since undergone several upgrades, most recently in 1985-1986. The most recent pier upgrade/reconstruction was designed to accommodate ~~the proposed commercial and restaurant~~ uses, as discussed in detail in the City of Pismo Beach Restoration Plan. As currently designed, the pier can structurally support the proposed uses that would be permitted with this GP/LCP amendment and Zoning Code amendment. No significant environmental impacts are anticipated to result with regard to earth or geologic processes.

2. a-c. Air Quality

Air quality impacts are not anticipated for the proposed project. As indicated on the attached URBEMIS (EMFAC7f1 version) emissions calculation sheet in the appendices, the hypothetical proposed development project would be is anticipated to generate 24.12 lbs/day of ROC and 18 lbs/day of NOx. These factors account for a 30% reduction in vehicle trips which can be attributable to passerby and pedestrian traffic and not representative of new trips. Because the Pier project is located in the downtown/waterfront area of the City with a high concentration of visitor-serving lodging and visitor serving commercial uses in the area, a significant number of the vehicle trips have been discounted and considered as multi-purpose or diverted vehicle trips. The County of San Luis Obispo Air Pollution Control District (SLOAPCD) agrees with this concept and has stated that a 30% trip reduction would be appropriate¹. As such, the above stated emissions levels include the trip reduction. Even with the trip reduction, the emissions levels would exceed the County's APCD threshold which is 10 lbs/day. A development project at this location ~~The project~~ would therefore result in a significant air quality impact. According to the APCD, these impacts could ~~can~~ be reduced to a level of insignificance with the incorporation of the below listed mitigation measures from the County APCD's guidelines for air quality analysis.

Regarding short-term air emissions, construction of the project on the pier would not necessitate grading and therefore, no significant construction emissions would be generated.

Mitigation Measures

Because a future development the project would result in long-term air quality impacts, the following mitigations would be required:

¹ Personal communication, Larry Allen, SLOAPCD, October 20, 1995)

- The project sponsor (the City) shall identify one out of every ten required parking spaces for employee carpools which shall be located in preferential locations, close to the wharf.
- The City shall encourage carpooling and public transit for employees and patrons as much as possible by posting carpool and transit information on-site.
- The project shall include plans for covered, secured bicycle parking for employees and patrons of the project.
- Employers shall provide subsidized transit passes to encourage the use of alternative modes of transportation.
- The City shall work with the South Coast Area Transit District and the SLO Regional Transit Area District on a Traffic Demand Management Plan (TDM) for the pier projects prior to project approval. The TDM should include a newly established bus route and stop along the waterfront area, a parking plan, covered bike racks etc.
- Internal City Shuttle: The City of Pismo Beach, and the hospitality industry of Pismo Beach should begin work to develop an internal city shuttle service to link the hotel/motel district with the pier area and the outlet center. In time, additional service should be developed to serve Shell Beach and the hillside residential areas on the inland side of Highway 1-11. This service would greatly reduce the type of short distance trips that are most detrimental to air quality. Additionally, this service should reduce the demand for parking in Pismo Beach's most congested areas.
- Marketing Plan to Promote SCAT & SLORTA Service to Pismo Beach: The last mitigation in the initial study includes a commitment to develop a new transit route to serve the area, as well as new bus stops to serve the proposed project area. This service will be most utilized by residents of surrounding communities. But, proposed budget cuts on the federal level, and the failure of most local jurisdictions to appropriate all available TDA funding to public transit, has resulted in transit officials being forced to scale back, and in some cases eliminate, marketing funding and activities. The City and local business community should, as part of ongoing promotional advertising for local businesses, make promotion of the alternative transportation options in and to the City of Pismo Beach a center point of their advertising.

The above listed mitigations would reduce significant air quality impacts to less than significant levels for a future development project. It should be noted that the SLOAPCD is in the process of updating the Clean Air Plan. When the City proceeds with a development the project, the City shall work with the APCD to ensure that the future development project is consistent with the updated version of the Plan. SLOAPCD may want to further condition the development project at that time.

3. a-i. Water Quality and Quantity Considerations

3. a-f. Water quality and quantity considerations for the project are relative to any future development project on the first diamond of the Pier ~~The project~~ would not affect any flood patterns, currents, course or direction of marine or fresh waters. ~~It The project~~ would also not affect absorption rates or drainage patterns as it would be physically removed from the ground

surface. No change in the quantity of ground waters would occur. However, ~~a~~ the project may affect marine water quality as the project has the potential to discharge lubricants, fuels and debris into marine waters. As such, filter and catchment systems for run-off from proposed vehicular parking and access areas would be required as part of the design to eliminate contaminated discharge from entering the ocean below the pier.

3.g.h. ~~A~~ ~~The proposed~~ future development project would result in an increase in the City's current domestic water demand. The City of Santa Barbara Water Demand Factor and Conservation Report (1989) was utilized to calculate a commercial ~~the~~ project's water demand. The hypothetical ~~proposed~~ 10,000 square foot restaurant would have a new water demand of approximately 12.6 acre feet per year (AFY). This is based on applying a water demand factor for restaurants of 1.26 AFY/1,000 sq. ft. ~~A~~ ~~The~~ 6,000 sq. ft. commercial portion of ~~a~~ ~~the~~ ~~proposed~~ project would generate an additional water demand of 0.66 AFY, based upon a water duty factor of 0.11 AFY/1,000 sq. ft.. In total, ~~a the-proposed~~ project could ~~would~~ generate a new water demand of approximately 13.26 AFY.

The City of Pismo Beach is currently receiving its water supply from three sources; the Lake Lopez reservoir, Arroyo Grande Water Basin, and Meadow Creek. The City has also requested an annual allocation of 2,000 AFY from the State Water project. Therefore, the projected 13.26 AFY of water demand can be accommodated by the City's existing and planned water supply. Therefore, no significant water-related impacts would be ~~are~~ expected to result and no mitigation measures would be required. As a standard City conservation measure, any future development project on the first diamond of the Pier ~~the project~~ would be required to incorporate water conserving fixtures.

3.i. Because ~~a~~ the project would be constructed on the pier, it may expose people to water related hazards such as severe storm and tidal wave activity. However, the possibility of tidal waves is so remote that it would not be considered a significant impact. Additionally, in a large storm event, the City's Police, Fire departments and the County harbor patrol would take emergency precautions to reduce human exposure to hazards along the waterfront/pier area. ~~A~~ ~~The proposed~~ project would not create ocean-related public safety risks greater, or different than those existing beachfront commercial enterprises.

Mitigation Measures

Because ~~a the~~ future development project may result in harmful discharges into marine waters, the following mitigation measure would be required:

- The future project design shall incorporate a filter and catchment system to prevent pollutants and harmful discharge from entering into marine waters below the pier. The City shall review and approve the system during the project's plan check process and shall monitor the system throughout the life of the project.

4. a-e. Plant Life

Impacts on plant life from the project are not anticipated. A ~~The~~ future development proposed project would be constructed on open decking of the existing municipal pier and would therefore not be anticipated to have an effect on the diversity of native species or rare or unique plant life. However, during construction and operation of the new buildings on the pier, debris and runoff into the ocean could affect marine life below. Machinery fuel and lubricants would likely enter the water. As such, the following mitigation measure would be required:

- Consistent with the mitigation measure above, a catchment system or filter shall be designed into the project to prohibit runoff from affected plants and animals in the surf zone. The system should be operational prior to construction and functional for the duration of the project.
- Construction personnel shall be alerted to the impact potential of debris and pollutants falling into the water and shall be instructed to keep the work area clean and cleared every day to avoid contamination and impacts to marine life.
- As was required in the City's Restoration Plan, the City shall monitor the wharf project, both during construction and operation of the project, to ensure that debris (other than treated storm water) is not contaminating the ocean.

5. a-d. Animal Life

Animal life will not be impacted by the project. A ~~The~~ proposed future development project would be constructed on open decking of the existing municipal pier and would therefore not be anticipated to have an effect on animal life. Because the pier is already in existence, no impacts would result to fish, shellfish or organisms on the pier. However, as described above, during construction and operation of the new buildings on the pier, debris and runoff into the ocean could affect marine life below. The mitigation measures outlined above would help alleviate these effects and reduce impacts upon plant and animal life in the surf zone to less than significant levels.

6. a-b. Noise

The project will not create impacts related to noise. A ~~The~~ proposed future development project would generate short-term noise from construction activities. However, anticipated noise levels of both construction noise and operational noise (restaurant and commercial patrons, dishwashing activities, etc.) would not adversely impact pier users or surrounding commercial businesses to any significant degree. Surrounding land uses are not considered noise sensitive receptors. Therefore, no impacts would result and no mitigation measures would be required.

7. Light and Glare

The project will not create light and glare impacts. Construction of ~~a the proposed~~ future development project would not cause any adverse light and glare impacts, assuming that the project was constructed during normal working hours. From an operational standpoint, the proposed uses would introduce additional lighting to the immediate area, associated with that necessary to provide fluorescent and incandescent lighting for the interior uses and exterior lighting associated with the illumination of accessways. However, potentially significant light and glare impacts could result if ~~a the~~ proposed second story restaurant were to use flood lights to illuminate the surf zone or beach area below the site location. Because of the potential for this type of illumination to adversely affect neighboring visitor serving lodging and residential uses to the east of the site, the following mitigation measure would be required:

- Exterior lighting should be hooded and limited to that necessary for deck illumination and safe access. The City shall review the plans prior to issuance of construction permits.

Incorporation of the above mitigation would reduce any adverse lighting impacts to less than significant levels for a future development project.

8. Land Use

While the proposed use is currently inconsistent with the General Plan and Local Coastal Plan designations of Open Space for the site, it is consistent with the long range desires of the City of Pismo Beach for Downtown/Waterfront restoration and revitalization. The proposed uses are compatible with the surrounding visitor serving commercial and visitor-serving lodging facilities in the immediate area, therefore the project would not result in land use impacts.

9. a-b. Natural Resources

The ~~proposed~~ project would not significantly increase the rate of use of any natural resources or substantially deplete any non-renewable natural resources.

10. a-b. Risk of Upset

Because of the nature of the visitor-serving commercial and restaurant uses proposed for the site, no risk of upset concerns are raised by the proposed project. With regard to the possible interference with emergency response plans or emergency evacuation plans, the current and planned uses of the remainder of the municipal pier are dedicated to open space and recreational uses (e.g. fishing). In preparing the original Restoration Plan for the Area, the City took these factors into account in the plan and provided for an emergency and service vehicle drive-through as a part of conceptual plans. Therefore, no significant environmental impacts would be anticipated to result.

11. Population

The proposed project is intended to meet the retail and commercial needs of City residents and visitors. As a result, the project would not individually or cumulatively alter the location, distribution, density or growth rate of the population of the area in any significant manner. Furthermore, employees are anticipated to come from the existing population base of the City. Therefore, no impacts to the existing population would result from the project.

12. Housing

The employees of the proposed ~~restaurant and retail~~/commercial uses would likely be come from the existing population in the City. Therefore, the proposed project would not have any significant affect on existing housing or create a significant demand for additional housing.

13. a,c,d,e,f. Transportation/Circulation

The City pier is accessed via Pomeroy Avenue to the west and Hinds Avenue to the east of the pier. Both of these local streets are one-way ~~two-lane~~ roadways which serve a mixture of residential, commercial and office land uses. Both of these roadways and the intersections in the vicinity are operating at acceptable levels of service (LOS A and B) according to the Traffic Study prepared for the Downtown Specific Plan (February 1, 1994). The City of Pismo Beach Level of Service standard calls for a minimum LOS C or better.

A traffic study has not been prepared for this project, therefore the Institute of Transportation Engineers (ITE) Manual (5th Edition) was utilized to calculate the anticipated traffic trips that would result from a development project referred to in the Restoration Plan. ~~the proposed project.~~ The specific nature of the proposed restaurant and commercial uses have not been specified within the proposed General Plan/LCP Amendment. For this reason, trip generation factors for the restaurant assume a high-turn-over, sit down restaurant (ITE code 832); trip generation factors for the commercial component assume a specialty retail (ITE Code 814) center. The hypothetical proposed project is anticipated to generate the following unadjusted, gross vehicle trips, based upon the ITE Manual:

Unadjusted Trip Generation - ITE Manual

Use	ADT	PM PHT	AM PHT
10,000 sq. ft. Sit-Down Restaurant	2,053	163	157
6,000 sq. ft. Retail Commercial	244	30	38
TOTALS:	2,297	193	195

Because the proposed uses would be located along the waterfront, in an area which is oriented toward visitor serving commercial, restaurant and lodging uses, a large percentage of the restaurant and shops patrons would arrive on foot or already be present within the area. For this reason, the trips associated with the development following the GP/LCP amendment and Zone

~~change proposed project~~ would be a percentage of the calculated ITE traffic generation indicated in the table above. While it is difficult to determine the amount of "credit" that should be given the project for existing trips and passerby traffic, a trip reduction of 30% has been generally accepted by ITE and APCD. Applying a 30% trip reduction to the ITE estimated trip generation would result in 1,608 ADTs, 135 PM peak hour trips and 137 AM peak hour trips. In that the roadways and intersections in the immediate project vicinity are not experiencing congestion and are currently operating at LOS A or B, this amount of traffic is not anticipated to result in circulation impacts which would exceed the City's LOS C standard.

The capacity constrained intersections in the project vicinity are the intersections of Dolliver Street/Pomeroy Avenue and Dolliver Street/Hinds Avenue. According to the Traffic Study prepared for the Downtown Specific Plan, these intersections are currently operating at LOS C and LOS B respectively. However, with future added traffic, which includes the proposed project, the level of service at both intersections is projected to drop to LOS D during the p.m. peak hour. A future development The project would therefore be contributing to the degradation of these critical intersections. The Downtown Specific Plan Traffic Study contains several recommendations which would reduce traffic impacts resulting from future buildout. At the Dolliver/Pomeroy intersection, the addition of southbound left turn lane would improve the level of service at that intersection from LOS D to LOS C or better. At the intersection of Dolliver Street/Hinds Avenue, the addition of a second eastbound thru lane would bring the operation back to LOS B. Therefore, these two improvements shall be constructed prior to construction (or issuance of certificates of occupancy) of the pier projects to reduce project related impacts to less than significant levels.

13. b. Parking

Parking in downtown Pismo Beach is currently provided by a combination of on-street all day and restricted parking (3 hour or 90 minute), private off street parking lots and public off-street parking lots. The closest public parking lot is the Pier Parking lot which is directly north of the pier and contains 138 spaces.

According to the City's zoning code, the hypothetical ~~proposed~~ project would require 54 parking spaces (1 space per 300 feet of gross floor area). According to the City, half of the requirement, (27 spaces) would be provided along the waterfront. However, no parking spaces are proposed to be included for the new land uses. The project would therefore have a parking deficit of 27 spaces. This could ~~would~~ result in parking impacts in the waterfront area which is, according to the Downtown Specific Plan, already experiencing severe parking constraints. Specifically, the total number of parking spaces available in the downtown area was 2,643 spaces. It has been determined that on a weekday in August 1993 the parking demand was 3,405 spaces and on a weekend in August 1993, the parking demand was 3,405 spaces. This represents a deficiency of 392 spaces on a peak summer weekday and a deficiency of 762 spaces on a peak summer weekend. However, during the field analysis completed by PacTrans on a weekday in early August 1993, it appeared that there was no serious overall parking deficiency in the waterfront study area. The public parking lots east of Dolliver Street were not full and on-street parking

was available along many of the streets in the downtown area. In addition, the Addie Street public parking lot was only partially full. This was the same conclusion found by the Pismo Beach R/UDAT report. These conditions have also been observed on weekends. It is apparent that signage and shuttle transport is needed to get people to the waterfront area from the more distant public parking spaces. Additionally, the city requires that all new development provide off-street parking or pay an in-lieu fee of \$12,000.00 per space, consistent with the zoning requirements. For any future development ~~this~~ project, the city would need to rectify the parking impact (a deficit of 27 spaces for the hypothetical project) prior to issuance of certificates of occupancy.

Mitigation Measures

To reduce traffic and parking impacts resulting from a future development ~~the~~ project, the following mitigation measures would be required:

- The improvements specified in the Downtown Specific Plan Traffic Study for the intersections of Pomeroy Avenue/Dolliver Street and Hind Avenue/Dolliver Street shall be completed prior to ~~project~~ approval of a development project on the first diamond of the Pier. Specifically, a southbound left turn lane at the Dolliver/Pomeroy intersection would be required to improve the level of service to LOS C or better. At the intersection of Dolliver Street/Hinds Avenue, a second eastbound thru lane would be required to improve the level of service to LOS B.
- The City shall work with the San Luis Obispo Regional Transit Area (RTA) and the South County Area Transit (SCAT) to develop a project specific parking plan for a future ~~the~~ project. In that there would be is a 27 space deficit, the City shall not go forward with a ~~the~~ project until such time as a parking plan is implemented for the waterfront area.
- The City shall pursue development of a new SCAT bus route through the waterfront area or explore the possibilities of a shuttle service from the existing transit depots to the pier area.
- The City requires that all new development provide off-street parking or pay an in-lieu fee of \$12,000.00 per space, consistent with the zoning requirements. For a new development project ~~this project~~, the city would need to rectify the parking impact (~~a deficit of 27 spaces~~) prior to issuance of certificates of occupancy.

14. a-f. Public Services

Due to the project's visitor-serving nature, it would not have any significant impacts upon the provision of public services to the site. In order to minimize any adverse demands upon police and fire protection services, detailed site plans of a future development project should be reviewed by departmental representatives to insure that the appropriate building codes, fire flows, security systems, and access requirements are integrated into the final design.

15. a-b. Energy

The project will not have a negative impact relative to energy. In order to conserve energy to the greatest degree feasible, the proposed uses of a future development project would be constructed to meet the provisions of Title 25 of the Uniform Building Code with regard to energy conservation features and insulation standards. Existing utility systems are capable of accommodating a future development ~~the proposed~~ project's energy demands. Therefore, the implementation of a new development project ~~the proposed project~~ would not require the development of new sources of energy.

16. a-f. Utilities

Utility service is not a requirement for the proposed project. A future development project ~~The proposed project~~ would be required to obtain can and would serve letters from all appropriate utility providers as a part of the building permit review and approval process. Any water and sewer service extensions to the proposed uses shall be sized to accommodate the ultimate buildout of the pier as outlined in the Pismo Beach Waterfront Revitalization Program.

17. a-b. Human Health

The proposed commercial ~~and restaurant~~ uses are not anticipated to create any significant impacts with regard to potential human health hazards or the exposure of people to potential health hazards. A future ~~The~~ restaurant would be required to obtain the appropriate sign offs from the San Luis Obispo County Health Department.

18. Aesthetics

Impacts on aesthetics from the project are not anticipated. For a future development project, such as the hypothetical project identified in the Waterfront Revitalization Program, second story access to the restaurant would be provided by a second level walkway with elevator/stairwell/tower at the northerly extreme end of the surface parking lot at the landward base of the pier. The walkway would include trellises and an open arcade as it crosses the surface parking lot. The height of the second level walkway would be generally consistent with the one and two-story building elevations present in the immediate area and with proper landscaping could provide a positive visual element in the waterfront area. Therefore, no significant visual or aesthetic impacts are expected to occur should this development project be constructed. Any future development project would be require review and approval of an Architectural Review permit by the Pismo Beach Planning Commission.

19. Recreation

The project will not impact recreational opportunities. A future development project's location at the base of the municipal pier would not result in any adverse impacts to the recreational activities such as fishing, which presently take place on the pier.

20. a-d. Cultural Resources

No impacts to cultural resources are anticipated with the project. The original pier was constructed in the 1800's, however, the pier has been re-constructed several times and is not considered a historical landmark. Additionally, due to the location of a future development project's location on a recently re-constructed pier that is physically elevated from the ground/sand surface, no significant impacts to historical or cultural resources are anticipated to occur.

21. Mandatory Findings of Significance

21. a. The project will facilitate a future development project on the first diamond of the Pier which may have the potential to significantly degrade the quality of the environment. As such, mitigation measures would be prescribed which reduce the potential impacts to less than significant levels. As indicated above, the project would not result in the reduction of habitat of fish or wildlife species, would not cause a fish or wildlife population to drop below a self-sustaining level, and would not threaten to eliminate important examples of the major periods of California history or prehistory.

21. b. The proposed project would not result in disadvantages of long-term environmental goals.

21. c. The project would not result in impacts which are individually limited, but cumulatively considerable.

21. d. The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings. The project would not result in toxic substance impacts, air quality impacts or other hazardous impacts.

IV. Determination

As discussed above, while the project would not result in any serious environmental impacts, it may result in some potentially significant impacts. However, there would not be a significant effect in this case because the mitigation measures described below have been added to the project to reduce these potentially significant impacts to less than significant levels. Therefore, a mitigated negative declaration would be prepared and incorporates the following mitigations:

Air Quality

- The project sponsor (the City) shall identify one out of every ten required parking spaces for employee carpools which shall be located in preferential locations, close to the wharf.
- The City shall encourage carpooling and public transit for employees and patrons as much as possible by posting carpool and transit information on-site.
- The project shall include plans for covered, secured bicycle parking for employees and patrons of the project.
- Employers shall provide subsidized transit passes to encourage the use of alternative modes of transportation.
- The City shall work with the South Coast Area Transit District and the SLO Regional Transit Area District on a Traffic Demand Management Plan (TDM) for the pier projects prior to project approval. The TDM should include a newly established bus route and stop along the waterfront area, a parking plan, covered bike racks etc.
- Internal City Shuttle: The City of Pismo Beach, and the hospitality industry of Pismo Beach should begin work to develop an internal city shuttle service to link the hotel/motel district with the pier area and the outlet center. In time, additional service should be developed to serve Shell Beach and the hillside residential areas on the inland side of Highway 1-11. This service would greatly reduce the type of short distance trips that are most detrimental to air quality. Additionally, this service should reduce the demand for parking in Pismo Beach's most congested areas.
- Marketing Plan to Promote SCAT & SLORTA Service to Pismo Beach: The last mitigation in the initial study includes a commitment to develop a new transit route to serve the area, as well as new bus stops to serve the proposed project area. This service will be most utilized by residents of surrounding communities. But, proposed budget cuts on the federal level, and the failure of most local jurisdictions to appropriate all available TDA funding to public transit, has resulted in transit officials being forced to scale back, and in some cases eliminate, marketing funding and activities. The City and local business community should, as part of ongoing promotional advertising for local businesses, make promotion of the alternative transportation options in and to the City of Pismo Beach a center point of their advertising.x

Water Quality

- The project design shall incorporate a filter and catchment system to prevent pollutants and harmful discharge from entering into marine waters below the pier. The City shall review and approve of the system during the project's plan check process and shall monitor the system throughout the life of the project.

Plant and Animal Life

- Construction personnel shall be alerted to the impact potential of debris and pollutants falling into the water and shall be instructed to keep the work area clean and cleared every day to avoid contamination and impacts to marine life.
- As was required in the City's Restoration Plan, the City shall monitor the wharf project, both during construction and operation of the project, to ensure that debris (other than treated storm water) is not contaminating the ocean.

Lighting/Glare

- Exterior lighting should be hooded and limited to that necessary for deck illumination and safe access. The City shall review the plans prior to issuance of construction permits.

Traffic, Circulation and Parking

- The improvements specified in the Downtown Specific Plan Traffic Study for the intersections of Pomeroy Avenue/Dolliver Street and Hind Avenue/Dolliver Street shall be completed prior to ~~project~~ approval of a development project on the first diamond of the Pier. Specifically, a southbound left turn lane at the Dolliver/Pomeroy intersection would be required to improve the level of service to LOS C or better. At the intersection of Dolliver Street/Hinds Avenue, a second eastbound thru lane would be required to improve the level of service to LOS B.
- The City shall work with the San Luis Obispo Regional Transit Area (RTA) and the South County Area Transit (SCAT) to develop a project specific parking plan for a future ~~the~~ project. In that there would be ~~is a~~ 27 space deficit, the City shall not go forward with a ~~the~~ project until such time as a parking plan is implemented for the waterfront area.
- The City shall pursue development of a new SCAT bus route through the waterfront area or explore the possibilities of a shuttle service from the existing transit depots to the pier area.
- The City requires that all new development provide off-street parking or pay an in-lieu fee of \$12,000.00 per space, consistent with the zoning requirements. For a new development project ~~this project~~, the city would need to rectify the parking impact ~~(a deficit of 27 spaces)~~ prior to issuance of certificates of occupancy.

RESOLUTION NO. R-95-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING THE LAND USE DESIGNATION OF THE FIRST DIAMOND OF THE
PISMO BEACH PIER FROM OPEN SPACE RECREATIONAL
TO RESORT COMMERCIAL

WHEREAS, the City of Pismo Beach developed the Pismo Beach Pier, seawall and adjacent parking lot in 1983 at a cost of \$3,672,000. \$1,035,000 of this money was provided through a loan from the California Coastal Conservancy (\$335,000) and Certificates of Participation. (\$700,000); and

WHEREAS, repayment of these funds amounts to approximately \$70,000 per year and the debt service to date is \$820,900; and

WHEREAS, the City's Economic Improvement Commission has recommended that the first diamond of the pier be redesignated to Resort Commercial from Open Space Recreational in the General Plan/Local Coastal Plan to provide for development opportunities to pay off the debt incurred for the reconstruction of the Pier; and,

WHEREAS, The Planning Commission, on September 26, 1995, reviewed the matter and recommended that the General Plan/Local Coastal Plan land use designation for the first diamond of the Pier be amended to Resort Commercial; and,

WHEREAS, On December 5, 1995, a mitigated Negative Declaration was approved by Resolution 95-69 for the General Plan/Local Coastal Plan amendment. The City Council finds that this amendment will not have a significant adverse affect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES RESOLVE AS FOLLOWS:

Section 1. Amend the General Plan/Local Coastal Plan

- A. The City Council of the City of Pismo Beach hereby determines to amend the City's General Plan/Local Coastal Plan to amend the land use designation for the first diamond of the Pismo Beach Pier from Open Space Recreational to Resort Commercial as shown in Exhibit 1.
- B. The City Council of the City of Pismo Beach hereby determines to amend Policy LUK-3.5 of the City's General Plan/Local Coastal Plan as follows:
"Open Space is the designated land use for ~~the pier~~, the beach, Mary Herrington Park, and Ira Lease Park. **The first diamond of the Pier shall be designated Resort Commercial to provide opportunities for commercial development. The remainder of the Pier shall be designated Open Space.**

EXHIBIT 2

PSB LCPA 2-96

Section 2. Effective Date upon Coastal Commission approval.

The Planning Division is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment of the Pismo Beach Local Coastal Program. The proposed amendment is consistent with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

PASSED AND ADOPTED at a regular meeting of the City Council held this 19th day of Dec., 1995 on motion of Councilmember Halldin, seconded by Councilmember Mellow, and on the following roll call vote, to wit:

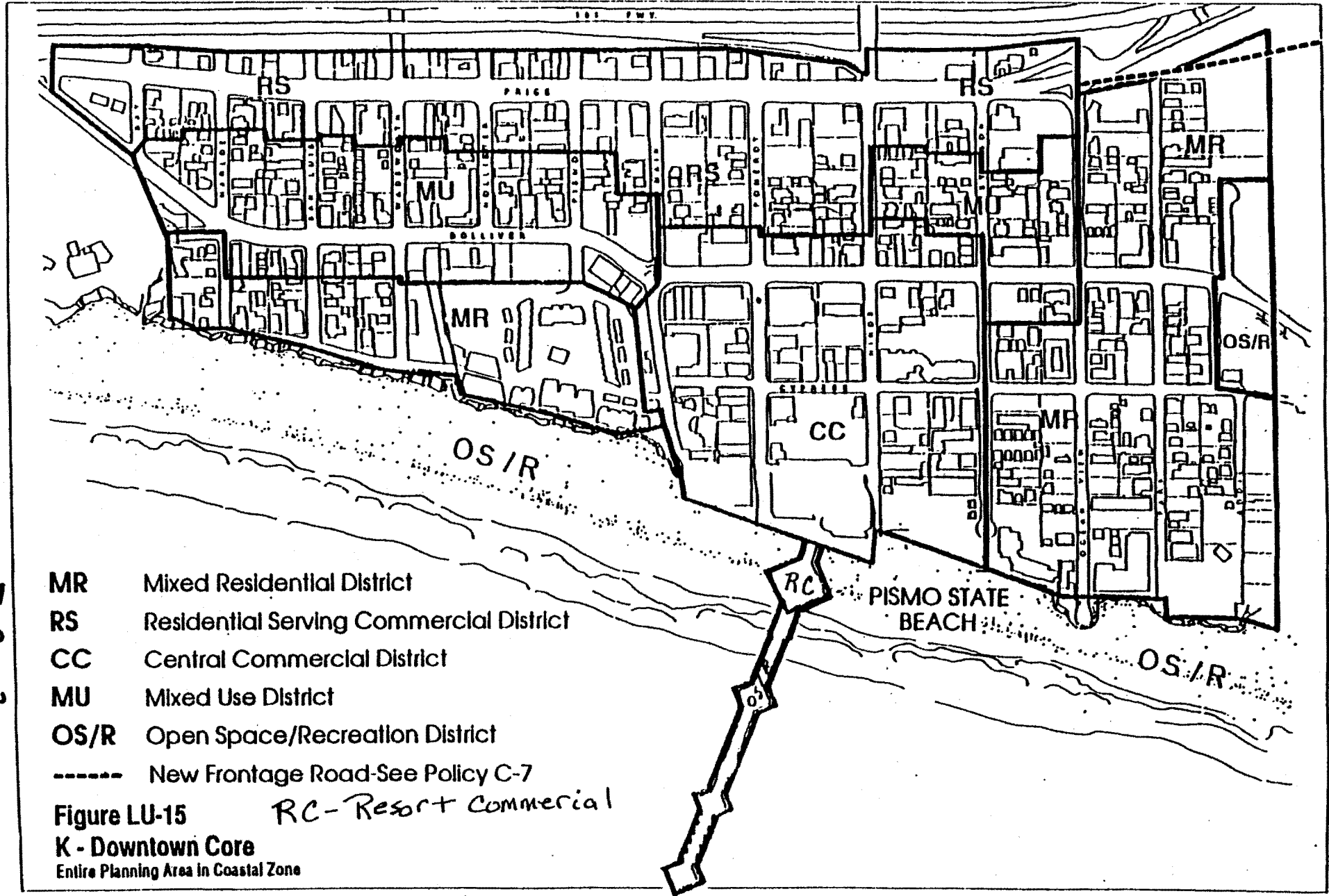
AYES: Councilmembers Halldin, Mellow, Stahl and Mayor Bailey
NOES: Councilman Brown
ABSENT: None
ABSTAIN: None

Paul B. Bailey
Mayor Paul B. Bailey

ATTEST:

Sharon Jones
City Clerk
Sharon Jones

Ex 2
p2
PSB LCPA 2-96



- MR Mixed Residential District
- RS Residential Serving Commercial District
- CC Central Commercial District
- MU Mixed Use District
- OS/R Open Space/Recreation District
- New Frontage Road-See Policy C-7

Figure LU-15 *RC - Resort Commercial*
K - Downtown Core
 Entire Planning Area in Coastal Zone

PSB LCPA 2-96
 Ex 2, p 3

Exhibit 1

RECEIVED
JAN 25 1996
CITY OF PISMO BEACH

ORDINANCE NO. 0-95-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH,
CALIFORNIA, REVISING THE CITY OF PISMO BEACH ZONING MAP (P.B.M.C.
CHAPTER 17) FROM OPEN SPACE RECREATIONAL (OS-R) TO RETAIL
COMMERCIAL (C-1)

WHEREAS, the City of Pismo Beach developed the Pismo Beach Pier, seawall and adjacent parking lot in 1983 at a cost of \$3,672,000. \$1,035,000 of this money was provided through a loan from the California Coastal Conservancy (\$335,000) and Certificates of Participation. (\$700,000); and

WHEREAS, repayment of these funds amounts to approximately \$70,000 per year and the debt service to date is \$820,900; and

WHEREAS, the City's Economic Improvement Commission has recommended that the first diamond of the pier be rezoned from Open Space Recreation (OS-R) to Retail Commercial (C-1) to provide opportunities for commercial development to pay off the debt incurred for the reconstruction of the Pier; and,

WHEREAS, the Planning Commission held a public hearing on September 26, 1995, reviewed the matter and recommended that the first diamond of the Pier be rezoned to Retail Commercial (R-1); and,

WHEREAS, the City Council held a public hearing and approved the Negative Declaration for the zone change on December 19, 1995.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES
ORDAIN AS FOLLOWS:

Section 1. The Pismo Beach Zoning Map is hereby revised as shown in Exhibit 1.

Section 2. Effective Date upon Coastal Commission approval.

Planning Division staff is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment to the Pismo Beach Local Coastal Program Implementation Measures (Zoning Code). The amendment will be carried out in accordance with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

Section 3. Posting.

Before the expiration of fifteen (15) days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit;

EXHIBIT 3
PSB LCPA 2-96

1. City Hall - 760 Mattie Road, Pismo Beach
2. U.S. Post Office - Shell Beach Road, Pismo Beach
3. U.S. Post Office - Crest Drive, Pismo Beach

INTRODUCED at a regular meeting of the City Council held this 19th day of Dec., 1995 on motion of Councilmember Halldin, seconded by Councilmember Mellow, and on the following roll call vote, to wit:

AYES: Councilmembers Halldin, Mellow, Stahl and Mayor Bailey
 NOES: Councilman Brown
 ABSENT: None
 ABSTAIN: None

Paul B. Bailey
 Mayor Paul B. Bailey

ATTEST:

APPROVED AS TO FORM:

Sharon Jones
 City Clerk
 Sharon Jones

David R. Hunt
 City Attorney
 David R. Hunt

PASSED AND ADOPTED at a regular meeting of the City Council held this 16th day of January, 1996 on motion of Councilmember Stahl, seconded by ~~Councilmember~~ Mayor Bailey, and on the following roll call vote, to wit:

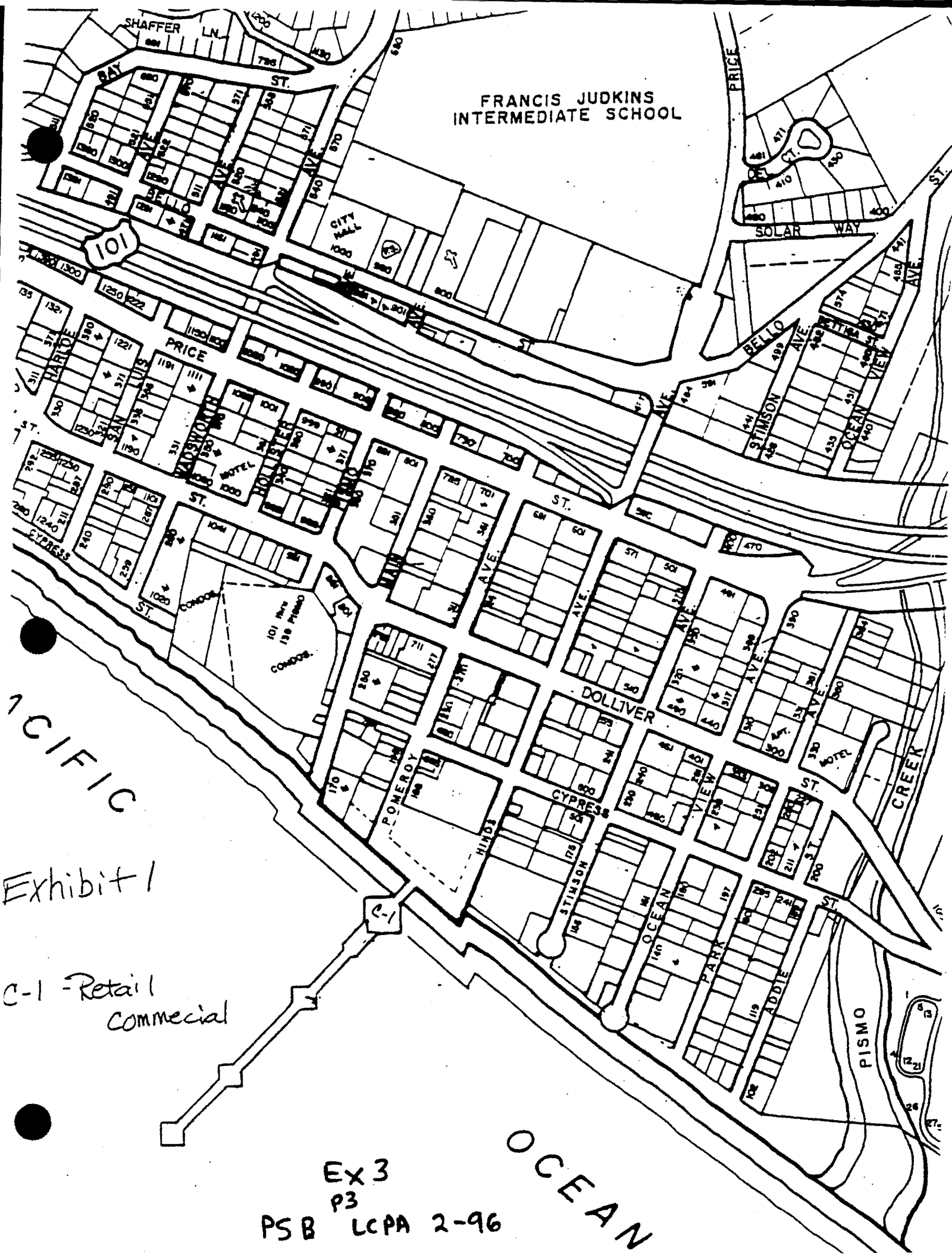
AYES: Councilmember Stahl, Mayor Bailey, Councilmember Halldin
 NOES: Councilmember Brown
 ABSENT: Councilmember Mellow
 ABSTAIN: none

Paul B. Bailey
 Mayor Paul B. Bailey

ATTEST:

Sharon Jones
 City Clerk Sharon Jones

Ex3
 P2
 PSB LCPA 2-96



FRANCIS JUDKINS
INTERMEDIATE SCHOOL

PACIFIC

Exhibit 1

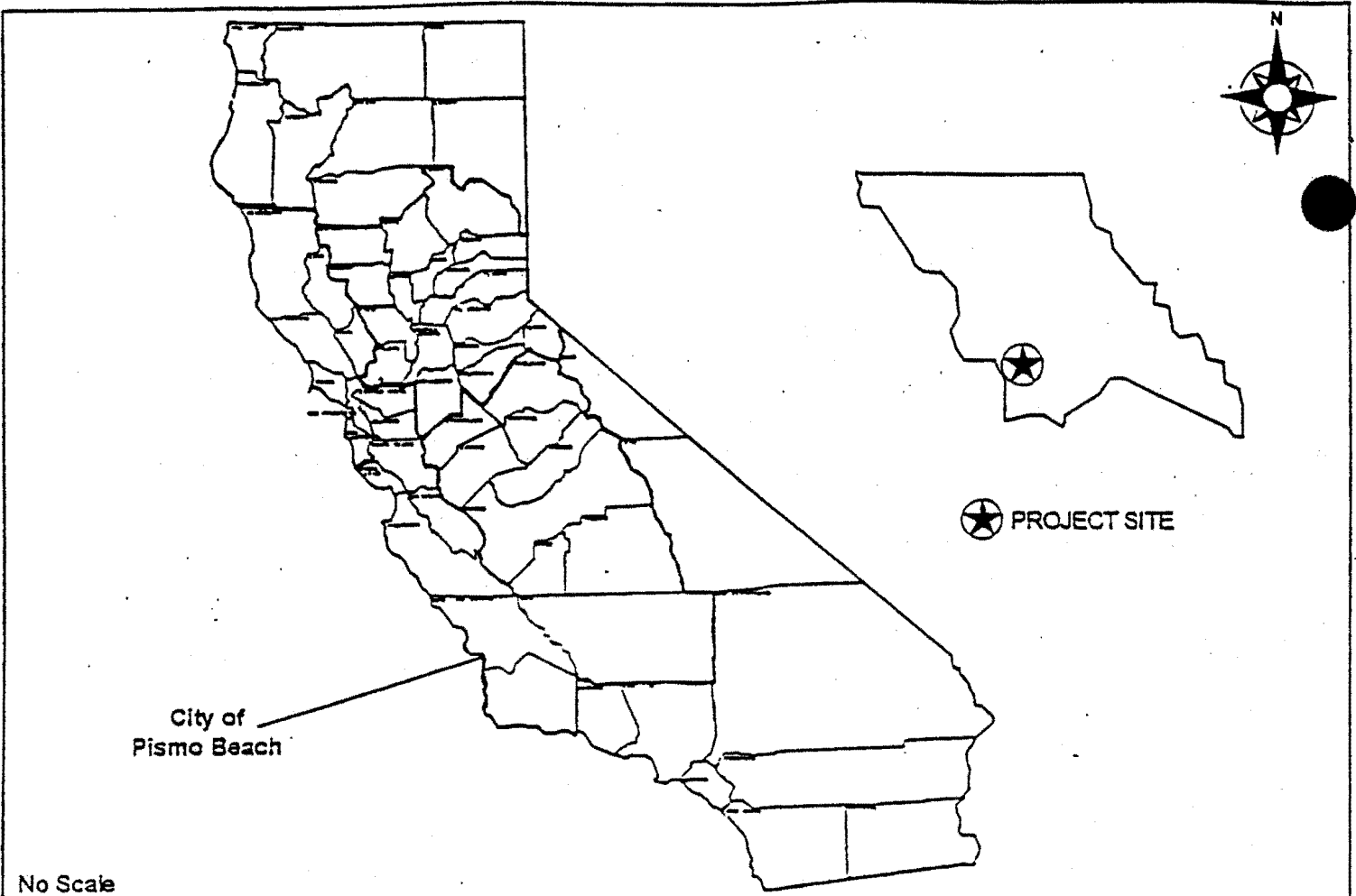
C-1 - Retail
Commercial

Ex 3
P3
PSB LCPA 2-96

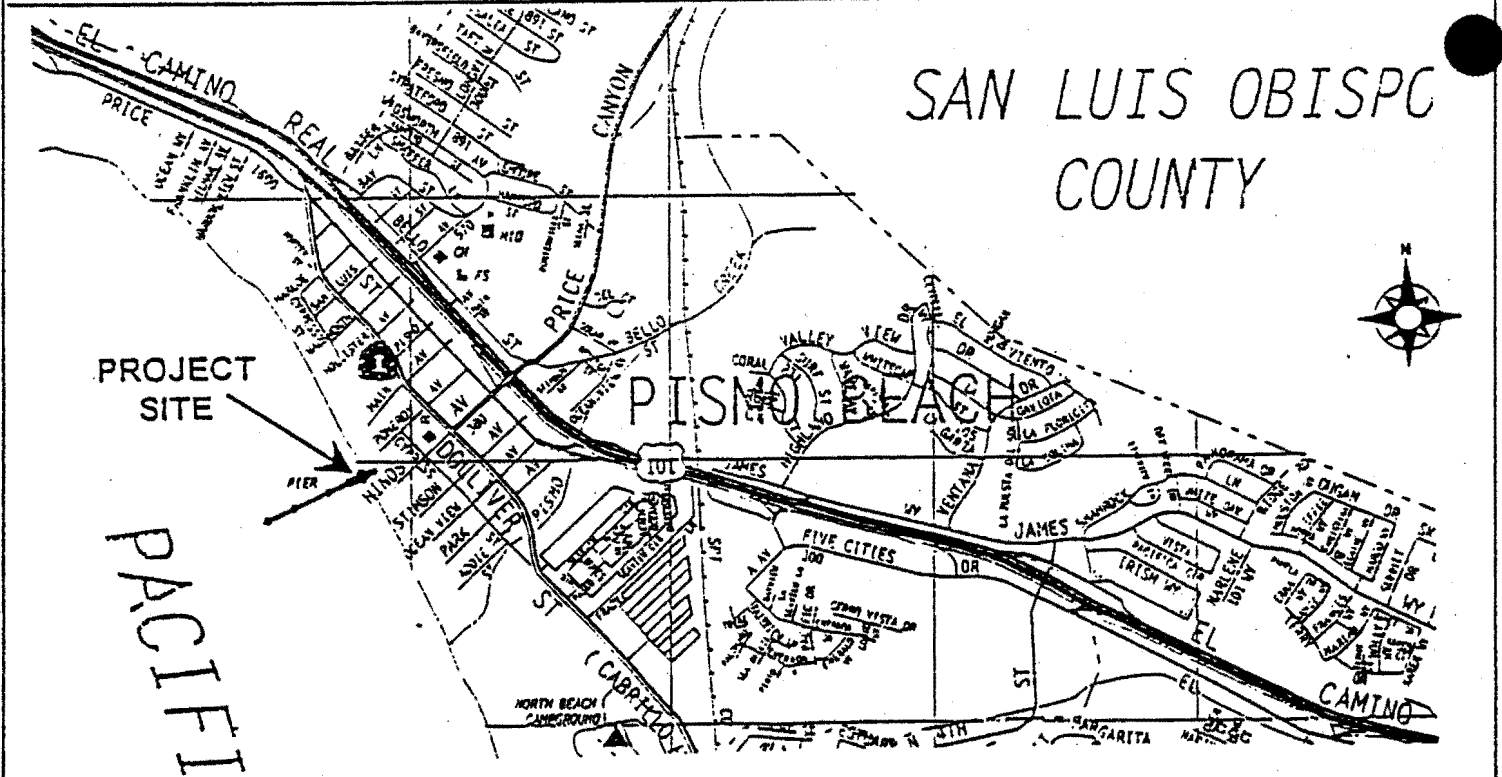
OCEAN

PISMO

CREEK



No Scale



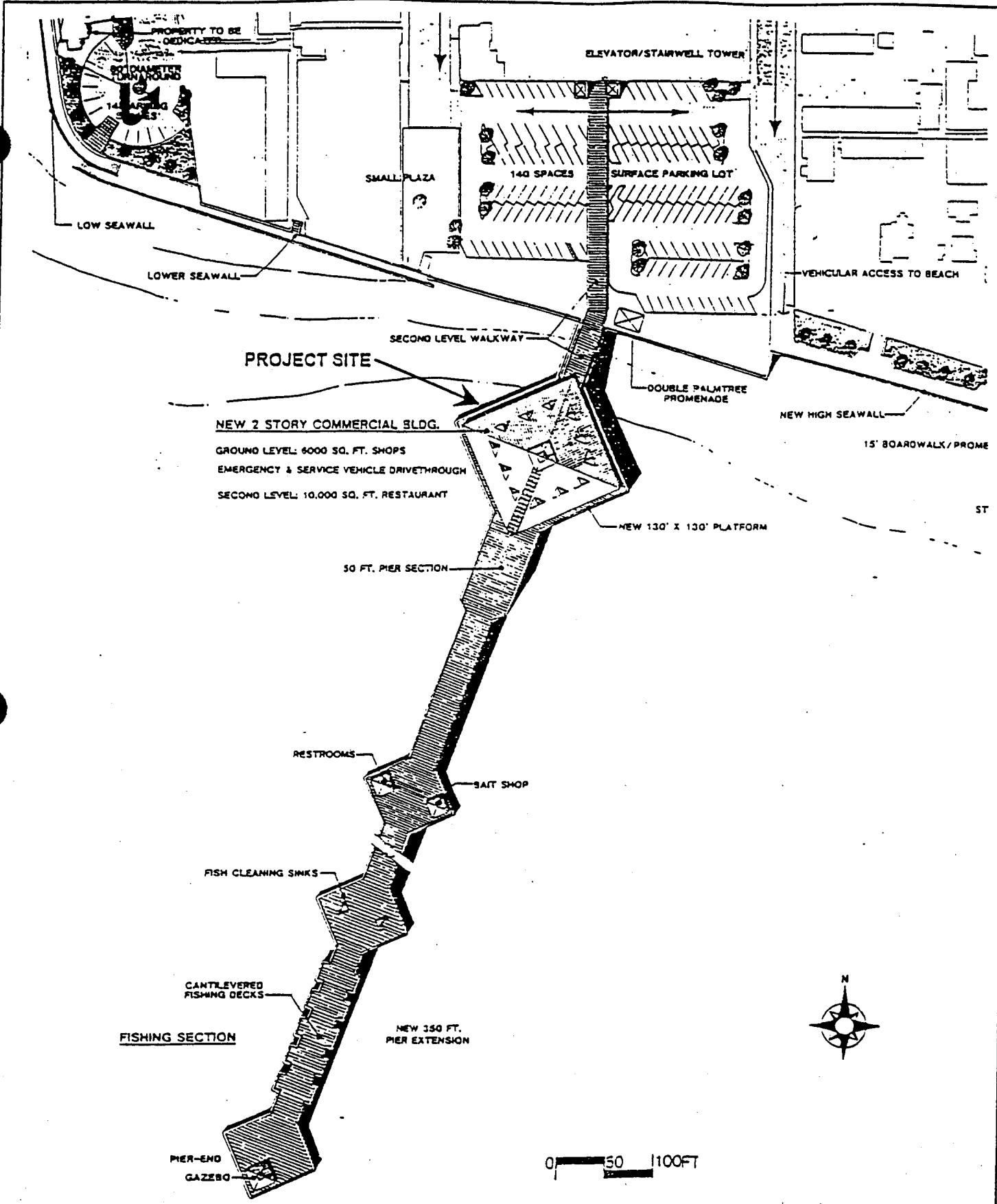
No Scale

FIGURE 1
REGIONAL & LOCAL SETTING

EXHIBIT 4

PSB LCPA 2-96





NEW 2 STORY COMMERCIAL BLDG.
 GROUND LEVEL: 6000 SQ. FT. SHOPS
 EMERGENCY & SERVICE VEHICLE DRIVETHROUGH
 SECOND LEVEL: 10,000 SQ. FT. RESTAURANT

FISHING SECTION

**FIGURE 2
 SITE PLAN**

SOURCE: Pismo Beach Waterfront Revitalization Program,
 City of Pismo Beach, March 1984

EXHIBIT 5

PSB LCPA 2-96



Chapter 17.042
Retail Commercial (C-1) Zone

17.042.010 Purpose of Zone The Retail Commercial or C-1 Zone is intended to provide:

1. Appropriately located areas and opportunities for retail store, offices and service establishments for the convenience of the public in order to encourage mutually beneficial relationship to each other.
2. Stable, attractive commercial development which will afford a pleasant pedestrian shopping environment.
3. Adequate space for off-street parking and loading.

17.042.020 Permitted Uses Uses in the C-1 Zone are subject to the general provisions and exceptions set forth in Chapters 17.102, 17.105 and 17.121 and are as follows:

1. Retail stores, offices and service establishments which do not involve any kind of manufacturing and all retail outlets except those restricted to the C-2 and C-M Zones. Examples of permitted uses include but are not limited to the following: antique shops, art studios, bakeries, grocery stores, drug stores, banks, offices, in-door theaters, laundromats, restaurants and similar retail, office or service uses.
2. Uses and structures which are incidental or accessory to any of the permitted uses in the C-1 Zone.

17.042.030 Uses Requiring Conditional Use Permits

1. Public Parking Lots (see Chapter 17.108);
2. Public and private parks, playgrounds, and other recreational facilities;
3. Service Stations (see also Chapter 17.105.100);
4. Major medical facilities;
5. Public buildings, churches and schools;
6. Lodges and fraternal organizations;
7. Billiards, bowling alleys, miniature golf courses and skating rinks;
8. Amusement Halls and Arcades spaced at least 500 feet apart from any other amusement hall, arcade or adult business or R-1, R-2, R-3, MH or P-R zones; (See Section 17.068 of this Ordinance)
9. Retail sales and personal services other than those permitted by this Chapter that are not within a building, such as plant nurseries, pottery shops, etc., but not including uses restricted to the C-2 and C-M zones;
10. Apartments as secondary uses (i.e., second floor or rear of C-1 buildings in conjunction with a permitted business);
11. Uses allowed by overlay zones, if applicable, (i.e., Visitor-Serving Overlay Zone);
12. Hotels and Motels;
13. Indoor auto, boat and similar sales;
14. Other similar uses deemed compatible by the Planning Commission.

EXHIBIT 6

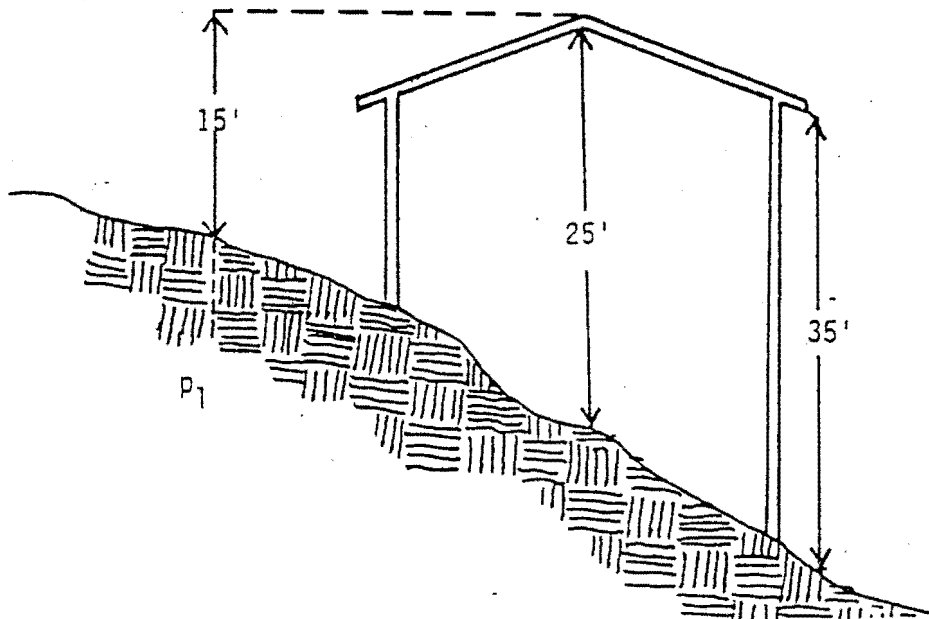
PSB LCPA 2-96

Chapter 17.102
General Provisions:

Building Heights, Yard, Area, Coverage and Construction Requirements

17.102.010 Building Heights Building heights shall be as follows:

1. Residential: Except as provided in Chapter 17.081, no structures in the A-E, R-1, R-2 or M-H zones shall exceed twenty-five (25) feet in height as measured above the center of the building footprint at site grade, nor shall the vertical measurement of any portion of the structure exceed thirty-five (35) feet. In the R-3, R-4 and R-R zones, no building or structure shall exceed thirty-five (35) feet in height above site grade.



2. Commercial: Except as provided in Section 17.081:
 - a. In the C-1 and C-2 zones, no building or structure shall exceed forty-two (42) feet in height above site grade.
 - b. In the C-R, C-M and G zone no building or structure shall exceed twenty-five (25) feet in height above site grade.
3. P-R, OS-1 and OS-R zones: As established by the Use Permit or as further identified in the certified Local Coastal Program Land Use Plan whichever standards require the greatest restrictions for heights.
4. All of the above zones may be subject to Height and/or View Consideration Overlay Zones which may further restrict height.
5. Exceeding Height Limits (R-4, R-R, C-1, C-2, C-M and G Zones): Building Appurtenances and Architectural Extensions: Where cupolas, flag poles, elevators, and solar collectors not otherwise permitted by subsection 7 below, radio and other towers, water tanks, church steeples and similar structures and mechanical appurtenances are associated with a permitted use in a district, height limits may be exceeded by fifteen percent (15%) upon securing a Conditional Use Permit or Development Permit, provided that the height, bulk and scale of the building is compatible with the adjacent area and is consistent with view and other Local Coastal Program Land Use Plan considerations.

6. Exceeding Height Limits (R-1, R-2, R-3, P-R and M-H Zones): Television antennas, fire place chimneys and roof mounted solar collector(s) not exceeding an aggregate of six feet by six feet in dimension may exceed height limits by a maximum of five feet. For additional provisions, see Section 17.081.
7. All development fronting coastal bluffs and beaches shall be sited and designed so as to reduce the impact of bulk and scale.
8. Notwithstanding the foregoing, maximum building heights in any zone shall not exceed a maximum height for firefighting and rescue operations and equipment as identified periodically by the Fire Chief.
9. Special Height Limitations--Ocean Fronting Parcels. Special height limitations for ocean fronting parcels in the following planning areas shall be as described below:
 - a. North Spyglass Planning Area: All structures on ocean fronting parcels within 125 feet of the bluff shall be limited to 25 feet above site grade. (Section 17.081.030(1))
 - b. Motel District Planning Area: All structures on ocean fronting parcels within 100 feet of the blufftop shall be limited to 25 feet above site grade. (Section 17.081.030(2))
 - c. Commercial Core Planning Area: all structures on ocean fronting parcels shall be limited to 25 feet in height above site grade. (Section 17.081.030(3))

17.102.020 Minimum Front Yard Requirements The minimum front yard setbacks shall be as follows:

1. Residential:
 - a. In the A-E, R-1 and R-2 zones, each lot shall have a front yard setback of not less than twenty (20) feet.
 - b. In the R-3, R-4 and R-R zones, each lot shall have a front yard setback of not less than fifteen (15) feet.
 - c. In the C-R, M-H and G zone, the front yard setback shall be established as per the Use Permit, but not less than fifteen (15) feet.
2. Commercial: In the C-1, C-2 and C-M zones, the front yard setback shall be established per the Development Permit. Each lot need not have any front yard setback except when the side of such lot abuts a Residential zone, in which case the front yard setback shall be no less than ten (10) feet.
3. P-R, OS-1 and OS-R: As established by the use permit, but not less than fifteen (15) feet.
4. Exceptions to Front Yard Setback Requirements in the R-1 Zone The minimum front yard setback required may be the lesser of the following situations:
 - a. The average front yard setback of the nearest improved lots on each side of the subject property on the same side of the street, but in no case less than ten (10) feet, nor required to be more than twenty (20) feet; or
 - b. Twenty percent of the average depth of the subject property, but in no case less than ten (10) feet, nor required to be more than twenty (20) feet.
5. Exceptions to Front Yard Setback Requirements for Residential Coastal Blufftop Developments In all residential zones abutting coastal bluffs, each lot shall have a front yard, facing the street, of not less than fifteen (15) feet.

~~LU-3 Public and Semipublic Land Use~~

~~The Public and Semipublic category shall designate land in public ownership that should be developed for public use and various public facilities. This category does not include public parks.~~

LU-4 Resort Commercial Land Uses

The Resort Commercial land use shall allow various visitor services including motels, hotels and R.V. Parks. Floor area ratios shall not exceed 1.25. Specific policies for these uses are:

a. All Income Levels

Resort commercial activities shall be promoted catering to visitors of all income levels.

b. Conversion Prohibited

Conversion of visitor-serving lodging to other nonvisitor-serving types of uses shall be prohibited unless the cost of rehabilitation is greater than 50 percent of the market value of the structure or the city finds, based upon supporting data, that the existing use can no longer be made economically viable. Where conversion is allowed, the city may require on or off site replacement of the lost visitor serving lodging. (See related Housing Element II-13, Older Motels and Cottages.)

c. R.V. Parks Restricted

R.V. parks shall be restricted to the Pismo Creek Planning Area "L".

d. Nonvisitor-serving Uses

The Resort Commercial category is specifically intended to be set aside for visitor-serving uses.

Residential and/or nonvisitor-serving commercial uses may be permitted on lands designated within this category only if one of the following findings is made:

1. The size, shape or location of the parcel make it inappropriate for a visitor-serving use; or
2. The use is low- or moderate-income housing that is clearly subordinate and accessory to an on-site hotel or motel use and is established for, and limited to occupancy by, employees of the hotel, motel or other nearby visitor-serving establishments.

Uses which shall be specifically prohibited include office space for general or medical businesses, and nonretail commercial services.

e. Condominium Hotels Permitted

The subdivision of hotels into airspace condominium units may be permitted with the approval of the City Council, provided that such units are clearly designed as hotel rooms or suites rather than dwelling units and are restricted to occupancy on a transient basis. Approvals of any such subdivision shall be subject to conditions that will assure the development functions primarily as visitor accommodations.

Such conditions shall require recordation of enforceable deed restrictions limiting occupancy by any individual to a maximum of 30 calendar days

per year, cumulative; compel participation in a rental program open to the general public on the same basis as non-condominium hotels; and discourage design features which would be characteristic of long term occupancy.

restaurants, banks, dry cleaners and other business establishments in all planning areas.

LU-6 Industrial Land Use

The Industrial land use designations shall permit nonpolluting, warehousing, distribution, assembly and light manufacturing uses. Floor area ratios shall not exceed 1.5. Specific policies for these uses are:

a. Pismo Creek & Pismo Marsh Impacts

Industrial development shall not adversely impact the sensitive habitats of Pismo Creek or Pismo Marsh.

b. Industrial Standards

Industrial uses shall comply with industrial regulations and standards, including: air pollution, noise, waste disposal, access for delivery vehicles and light and glare. These uses should be designed to present a pleasant appearance and shall include appropriate landscaping.

c. Open Storage Yards

Open storage yards of material and equipment are discouraged and subject to design review, may be prohibited.

LU-7 Child Care Facilities

The City may grant a density bonus or provide other incentives for developers of commercial or industrial projects to include a child care facility within their project.

Ex 8, p 2
PSB LCPA 2-96

LU-5 Commercial Land Uses

The Commercial land use designations shall allow visitor-serving, neighborhood and regional commercial uses. Floor area ratios shall not exceed 2.0. Specific policies for these uses are:

a. Attractive and Stimulating Surroundings

Commercial areas should be enjoyable places in which to shop and work. This means providing pedestrian scaled design, landscaping of building and parking lots, street trees, screening unsightly storage areas and banning out of scale advertising.

b. Secondary Residential Uses Encouraged

Residential uses are encouraged on upper floors in all commercial areas except the "central commercial" area. Secondary residential use may be required in selected areas. See also:

Design Element	D-2	Building and Site Design Criteria
----------------	-----	-----------------------------------

c. Drive-Thrus Prohibited

In order to maintain and promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive thru establishments, the City shall prohibit any new development of drive-thru services in

portion of the property adjacent to the city parking lot for vehicles and pedestrian access between those two streets; and a cohesive streetscape program to complement and encourage the pedestrian emphasis of downtown.

LU- Mixed Use (MU) District

K-3.4 The Mixed Use or MU District will provide for a wide variety of land uses including commercial, office, and residential uses (including hotels and motels). The more intensive commercial uses and visitor-serving uses shall be encouraged to locate along the major thoroughfares. Office, resident-serving retail, and residential uses are more appropriate at interior locations. Mixed use projects are encouraged throughout the district.

LU- Open Space District

K-3.5 Open Space is the designated land use for the pier, the beach, Mary Herrington Park, and Ira Lease Park. The pier and the beach will provide the catalyst for development of a boardwalk along the beach from Main Street to Pismo Creek. Passive recreational uses are permitted in these areas.

The extension of the Pismo Creek trail from Cypress Street to Highway 101 will be located along the west bank of Pismo Creek adjacent to Mary Herrington and Ira Lease Parks. Pedestrian and bicycle uses will be permitted along the trail adjacent to these parks.

**Pismo Creek
Planning Area L**

Background

The Pismo Creek Planning Area consists of a year-round mobile home park (236 spaces), three recreational vehicle parks with 996 spaces, the state Department of Parks and Recreations North Beach Campground with 103 campsites, and related RV storage and repair.

The area includes the sensitive wetlands habitat at the mouth of Pismo Creek, riparian vegetation along side the creek, sand dunes along the beach front and a monarch butterfly habitat area.

The major beach accesses are through the Pismo Coast Village Trailer Park and the North Beach Campground. The accesses are open to general use but are not marked. Both the trailer park and campground have constructed access ways over the delicate dune vegetation to reduce unnecessary foot traffic through this sensitive area. The public campground and the semiprivate trailer parks have recreational facilities for use by guests only. The beach is open for public recreational use but there are no restrooms, parking lots, fire rings or recreation equipment available for free public use.

EXHIBIT 9

PSB LCPA 2-A

